



# **BREAKING THE CONTINUUM OF VIOLENCE**

**Confronting Greece's Failure to Protect  
Survivors of Gender-Based Violence**

Equal Legal Aid  
August 2026





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Pictures of this report were taken in the Diavata refugee camp, Northern Greece in 2022-2023  
by © Mattia Bidoli

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EQUAL LEGAL AID

Telephone: +30 2310511761

E-mail: [contact@equallegalaid.org](mailto:contact@equallegalaid.org)

Web: [www.equallegalaid.org/](http://www.equallegalaid.org/)

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#### **TRIGGER WARNING: SENSITIVE CONTENT**

This report, “Breaking the Continuum of Violence,” contains detailed discussions and first-hand accounts of Sexual and Gender-Based Violence (SGBV). The content includes descriptions of:

- Physical and sexual violence, including rape and sexual exploitation
- Harmful traditional practices, such as Female Genital Mutilation (FGM) and forced marriage
- Human trafficking, domestic violence, and systemic institutional neglect
- Degrading living conditions and experiences of re-traumatization within the asylum system

The report includes **direct excerpts from survivor interviews** that **detail traumatic experiences** in countries of origin, transit, and within Greece

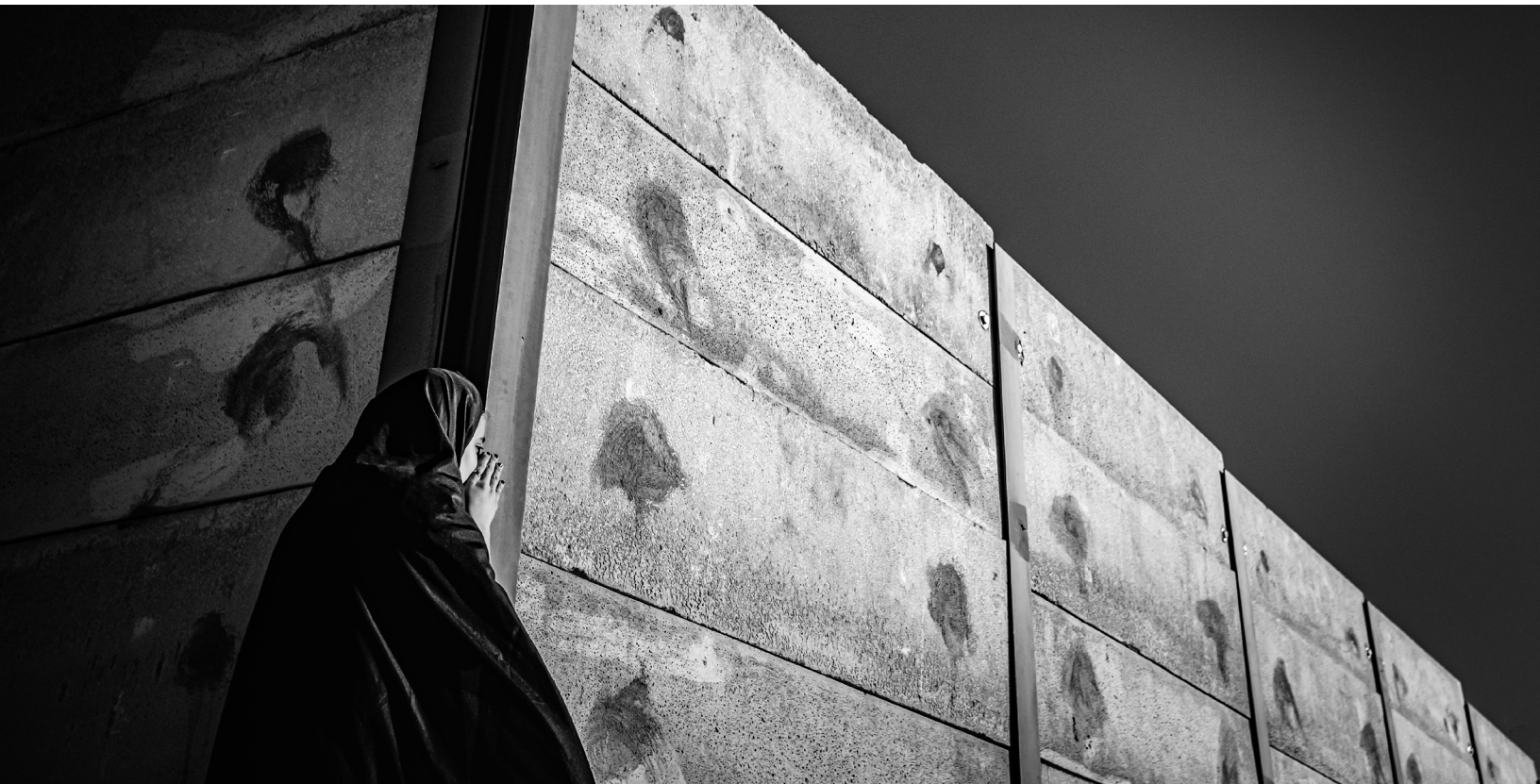


## Executive summary

Survivors of gender-based violence in Greece are routinely denied international protection. Decision-makers often dismiss or minimise their experiences; impose evidentiary burdens that no survivor could reasonably meet; and ignore the impacts of trauma and displacement. These practices leave survivors without protection and trapped in vicious circles of fear and insecurity.

Drawing on five years of casework (2020–2025),<sup>1</sup> this report demonstrates that Greece’s asylum system consistently fails to meet its obligations under international, EU, and national law toward female applicants with gender-based violence claims. Survivors encounter degrading living conditions, superficial vulnerability assessments, inaccessible medical and psychosocial support, substandard interview procedures, and deeply flawed decision-making procedures. These systemic shortcomings result in unjust rejections and expose survivors to a continued cycle of violence.

As Greece adopts increasingly restrictive migration policies and civil society capacity diminishes, the situation is deteriorating. ELA’s experience shows that when survivors receive specialised, gender-sensitive psychological and legal assistance, their chances of a fair assessment increase significantly. Ensuring effective access for victims of gender-based violence and abuse to the psychosocial and legal services to which they are entitled, alongside implementing substantive reforms in the examination of asylum claims, is imperative to guarantee fair procedures fully aligned with the applicable international protection framework.



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<sup>1</sup> Equal Legal Aid (ELA) is a non-profit organisation which provides pro bono legal assistance and representation to asylum seekers during their asylum procedures in Northern Greece. Since its inception in September 2020, ELA has provided individual legal assistance and representation to 2,267 people, 35% of whom are women and girls. Representation is provided at all stages of the asylum procedure, including appeals and applications for annulment before administrative courts. To address the challenges posed by the isolation of applicants in remote facilities, ELA also operates a hotline, through which 2,416 people have received advice on asylum procedures since January 2022. (Data extracted from ELA's database on 30/06/2026).

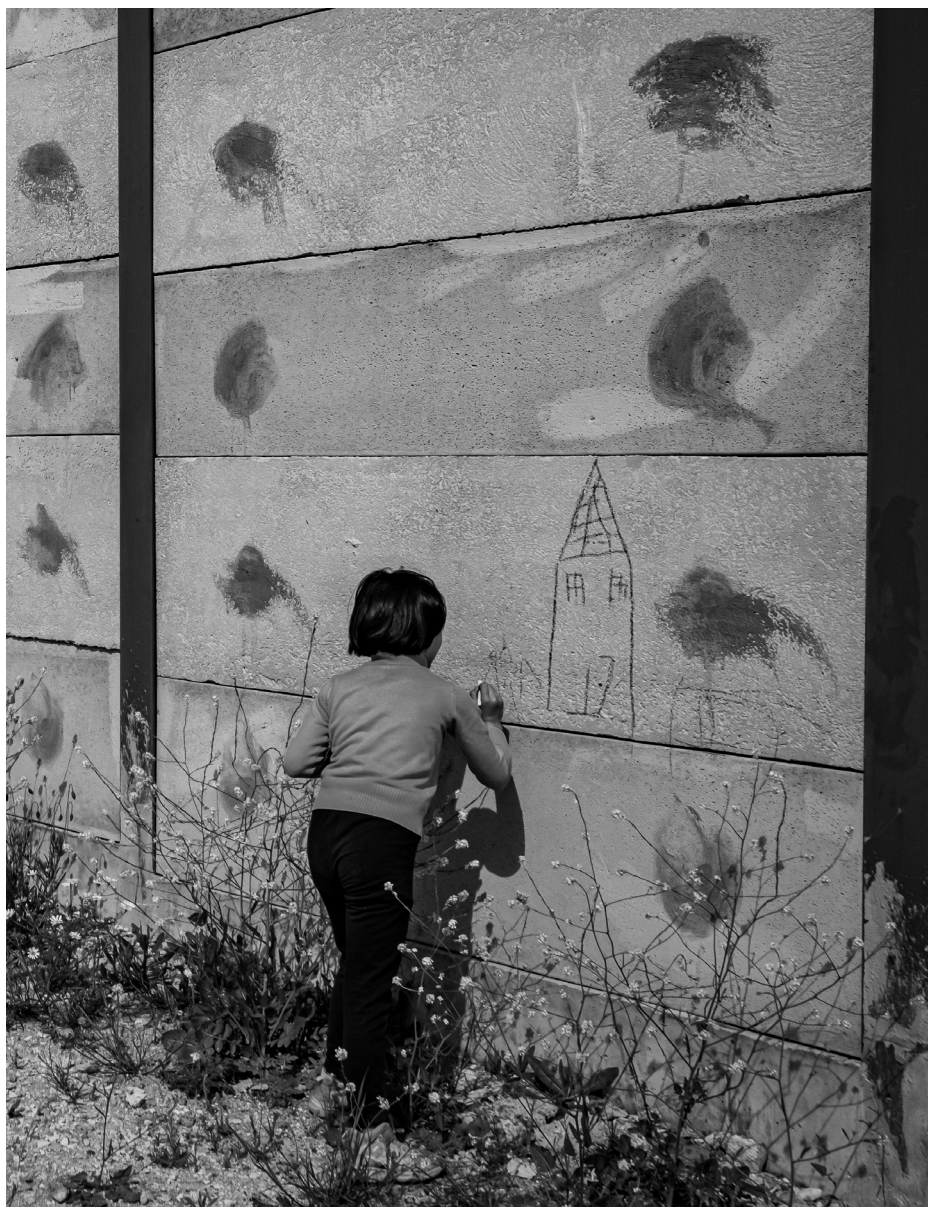


## Introduction

Around the world, women and girls flee persecution due to gender-based violence, ranging from forced marriages and domestic violence to female genital mutilation and trafficking. Over 1 million applications for international protection were lodged in EU+ countries in 2024. Female applicants counted for a third of all applications.<sup>1</sup>

Greece continues to serve as a central entry point to Europe for those seeking safety. With over 61,000 asylum applications lodged, 2025 has seen the fourth-highest rate of arrivals since 2016. One in four of these applications is submitted by female applicants, a share that has remained stable since 2021.<sup>2</sup> Yet despite the prevalence of GBV as a key driver of forced displacement, the Greek asylum system routinely fails to identify, protect, and fairly assess the claims of survivors. One in three female applicants is rejected,<sup>3</sup> often based on flawed credibility assessments, systemic procedural shortcomings, and gender-insensitive interpretations of persecution.

For many women, arrival in Greece does not signify the end of violence but rather its continuation, what this report refers to as the continuum of violence. Survivors must navigate degrading living conditions, superficial vulnerability assessments, limited access to medical and psychosocial support, inadequate legal assistance, and interviews that fail to recognise or accommodate the realities of trauma. These structural failures result not in protection, but in re-traumatisation, invisibility, and unjust rejection decisions.



### Objective and scope

This report examines how Greece's asylum system handles GBV-related claims and documents the persistent gap between international and EU obligations and national practice. Drawing on five years of field experience, it shows how procedural obstacles, institutional shortcomings, and systemic gender-blindness undermine access to protection for some of the most vulnerable individuals seeking safety in Greece.

<sup>1</sup> EUAA, [Data Analysis of Asylum Applications by Sex and Age in 2024](#), Fact sheet EUAA/2025/35, August 2025.

<sup>2</sup> Greek MoMA [Data and Statistics](#).

<sup>3</sup> Greek MoMA [Data and Statistics](#), from 2021 to 2025 40,509 applications were submitted by adult female asylum seekers (single women or single parent families). Out of these 26,366 (63%) received a positive decision at first instance and just 1,237 (3%) received a positive decision after the appeal.

By documenting legal standards alongside on-the-ground realities, the report seeks to promote fair and effective access to asylum procedures for survivors of gender-based violence and to support improvements in the quality of protection and services offered throughout the process.

## Methodology

The findings presented in this report are based on five years of legal casework conducted by Equal Legal Aid (ELA), a non-profit organisation that provides free legal assistance and representation to asylum seekers in Northern Greece. ELA's team is highly trained and experienced in handling cases of GBV survivors, dedicating over a third of its overall work to assisting female asylum seekers. Since 2020, ELA has supported 747 women and girls (540 women and 207 girls) in their asylum procedures. Of these, 328 women were the main applicants, while 212 were spouses or partners of the principal applicant.

The findings and conclusions of the following analysis are drawn from data collected through legal casework of ELA undertaken between September 2020 and September 2025, which involved 82 asylum seekers who disclosed, often to our team for the first time, that they experienced different forms of GBV such as: FGM, rape, domestic violence, sexual exploitation, human trafficking, and forced marriage in countries of origin, transit, and/or hosting.

In support of those 82 cases, 150 procedures were undertaken, including: interview preparations and accompaniments; admissibility and eligibility procedures; administrative formalities before regional asylum offices or other competent authorities; first-instance appeals before the Appeals Authority; and requests for annulment and provisional measures before the Administrative Courts of First Instance. Among the 82 survivors of GBV, only 15 obtained a positive decision at first instance, meaning that only about one in six were granted refugee status without further legal proceedings.

This report adopts an intersectional perspective, recognising that experiences of violence are shaped by overlapping factors such as gender, age, nationality, ethnicity, socio-economic status and migration trajectory. When referring to women who have experienced gender-based violence, ELA prefers to use the term “survivor” instead of “victim”, even though the latter is commonly used in legal and policy texts. This choice highlights the strength, agency, and resilience of women who have faced violence and abuse, recognising them not only for what they have endured, but also for their ability to take action, resist, and rebuild their lives.

This report offers an overview of the various forms of gender-based violence affecting migrant women and highlights the systemic barriers that hinder their access to safety, justice and support. It does not provide an in-depth examination of the situation of women affected by human trafficking, nor does it detail the full range of legislative frameworks available to protect their rights. The same applies to survivors of female genital mutilation (FGM): while their experiences are included within the scope of this report, they are not analysed extensively here. For a more comprehensive discussion on FGM-related protection gaps, we refer readers to ELA's article [\*“Turning a Blind Eye, or the Greek Asylum Service's Disregard for Female Genital Mutilation Claims”\*](#) published in 2023.



## The gendered realities of displacement: gender-based violence along migration routes

Gender-Based Violence (GBV) is “an umbrella term for any harmful act that is perpetrated against a person’s will, and that is based on socially ascribed differences between males and females”.<sup>4</sup> This term encompasses a wide range of abusive behaviours including: sexual, physical, and economic exploitation; forced prostitution; forced marriage; harassment and intimate partner violence; harmful practices such as female genital mutilation (FGM) and other forms of oppression, rooted in deep-seated patriarchal power, that deprive women of fundamental rights and freedoms, followed by social stigmatisation and marginalisation.

“ My entire life has been marked by violence and rape ” (\*)

Many women and girls are fleeing life-threatening conditions rooted in systemic gender inequality and discrimination, perpetrated by both state and non-state actors. For many, this marks the start of a new cycle of hardship, as the risk of GBV might be higher during displacement. This reality demands that we see violence not as an isolated act, but as a continuous reality.

*“We went to the man who was to accompany me to the airport. When we arrived at night, we crossed a large river and went to Brazzaville. He paid for the hotel. When we got to the hotel, at night, this man raped me. When I asked him, ‘But you accompanied me, you are supposed to protect me, and now you rape me?’ he told me that if I ever opened my mouth, he would destroy my travel documents.” (\*)*

During transit, refugee women face extreme risks of violence and exploitation. Their lack of economic independence further exacerbates their vulnerability. With no safe or legal routes to asylum, many are forced to rely on smugglers, often perpetrators of abuse themselves. In this context, GBV is not incidental; it is a foreseeable outcome of restrictive asylum policies and border management.

**“Asylum Office caseworker:** Did you have a passport?

**Survivor:** I had not issued a passport; the person who accompanied me was holding my documents.

**Asylum Office caseworker:** Which countries did you pass through to reach Greece?

**Survivor:** From Istanbul.

**Asylum Office caseworker:** How long did you stay in Turkey?

**Survivor:** I stayed in Turkey for four months. One month in Istanbul. Two months and something in prison.

**Asylum Office caseworker:** Were you in prison because you didn’t have documents?

**Survivor:** Yes, in Istanbul, there are raids, even inside houses.

**Asylum Office caseworker:** Apart from this problem with the police, did you face any other issues during your stay there?

**Survivor:** I was released from prison on 10/08. However, the police continued to follow me due to the documents. So I looked for a shelter and found a house where there were white people. I thought it would be safe, but there, four people raped me.” (\*)

Still, reaching Europe, particularly in frontline states like Greece, does not guarantee safety. Forced to live in overcrowded camps with dire living conditions and limited access to health care and psychosocial services, their needs are rarely identified or meaningfully addressed. For many survivors, these camps echo the very fear and violence they sought to escape.

<sup>4</sup> Inter-Agency Standing Committee, 2015, [Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action](#).

\*All excerpts are from S.F. asylum interview, survivor of GBV from Democratic Republic of the Congo. Her accounts were considered credible, but her application was rejected as unfounded at the first and second instance, as the Asylum Office caseworker considered that she could receive adequate protection in her country of origin. She submitted an application for annulment and received a positive decision; the case was then referred back to the appeals committee for reexamination. In 2026 she was finally granted refugee status.

## 1. A gender-sensitive approach to the asylum law

International refugee law, as set out in the 1951 Geneva Convention, does not explicitly address whether gender can be a relevant factor in determining refugee status under the five recognised grounds of persecution: race, religion, nationality, political opinion, or membership of a particular social group. However, other international and regional instruments, such as the International Convention on the Elimination of Discrimination Against Women (CEDAW)<sup>5</sup> and its General Recommendations; the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)<sup>6</sup> and the jurisprudence of the CJEU<sup>7</sup> have progressively clarified the gendered dimensions of persecution. These frameworks contribute to a more inclusive understanding of what can constitute an act of persecution and are increasingly shaping asylum procedures and decision-making. Within this context, it is essential not only to recognise explicitly gender-related claims, but also to ensure that “gender considerations are integrated into the asylum procedure, even when a specific asylum claim is not clearly gender-related per se”.<sup>8</sup>

Survivors of GBV are forced to flee their countries due to life-threatening situations and a lack of redress and protection. Being a survivor of GBV can be a legitimate ground to seek and receive international protection in another state. In this sense, gender-related asylum claims are often based on persecution due to “membership of a particular social group”. However, despite the centrality of this concept in refugee law, its interpretation and application remain complex, particularly when assessing whether a well-founded fear of persecution exists, given the nature of such acts and the frequent lack of available evidence.

Several international and regional legal instruments provide a comprehensive framework for protecting women and girls who are survivors of gender-based violence. While these layers of protection sometimes seem to overlap, they are not all binding, nor do they all share the same goal, scope, or impact. Before delving into the Greek legal context, this section will briefly overview these frameworks for ease of reference.

### 1a) UN Convention on the elimination of all forms of discrimination against women

The UN Convention on the Elimination of All Forms of Discrimination against Women ([CEDAW](#), 1979), defines discrimination against women as: “*any distinction, exclusion or restriction made on the basis of sex (...) in the political, economic, social, cultural, civil or any other field*”.<sup>9</sup>

In its [General Recommendation No. 19 \(1992\)](#), the CEDAW Committee asserts that violence against women is a form of discrimination directed towards a woman because she is a woman, or that affects women disproportionately. It defines GBV as affecting women and girls throughout the life cycle and including any act that causes physical, sexual or psychological harm or suffering to women, as well as threats, coercion or arbitrary deprivation of liberty and impairs their equal enjoyment of human rights and fundamental freedoms.

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<sup>5</sup> The International Convention on the Elimination of All Forms of Discrimination Against Women ([CEDAW](#)) was transposed into Greek legislation through Law No. 1342/1983.

<sup>6</sup> The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, [Istanbul Convention](#) transposed into the Greek legislation with the Law no. 4531/2018. European Union ratified the Convention on 1 October 2023.

<sup>7</sup> EUAA, [Jurisprudence related to Gender-Based Violence against Women Analysis of Case Law from 2020-2024](#), February 2025.

<sup>8</sup> EUAA, [Protecting women and girls in the asylum procedure](#), Fact sheet EUAA/2024/24 June 2024.

<sup>9</sup> Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice. They are also committed to submit national reports to the CEDAW Committee, which monitors the implementation of the Convention on measures they have taken to comply with their treaty obligations at least once every four years. Greece submitted its sixth periodic report in 2005, which was examined in the 2007 session.



In its [General Recommendation No. 35 \(2017\)](#), it reaffirms that GBV is a violation of women's human rights and discrimination, and recognises that the prohibition of GBV has developed into a principle of customary international law. It also highlights that despite normative progress, GBV - whether committed by States, intergovernmental organisations or non-State actors, including private individuals and armed groups - remains pervasive across all societies, often with high levels of impunity.

The Committee emphasises that such violence is a core mechanism through which women's subordination and gender stereotypes are maintained. Its prevalence is shaped and aggravated by cultural, political, economic, technological, religious and environmental factors. These include displacement, migration, globalisation and global supply chains, militarisation, occupation, armed conflict, violent extremism, humanitarian crises, natural disasters and harmful practices. Family violence is identified as one of the most widespread and damaging forms of abuse, undermining women's physical and mental integrity and their ability to enjoy equality in both family and public life.

The Recommendation affirms that women's right to live free from GBV is indivisible from, and dependent upon, other fundamental rights, including the rights to life, health, equality, liberty and security, freedom from torture, and freedoms of movement, expression, participation, assembly, and association. GBV may, in specific circumstances, such as rape, domestic violence or harmful practices, amount to torture or cruel, inhuman or degrading treatment.

Both General Recommendations call on States parties to adopt comprehensive, effective, survivor-centred and trauma-informed measures to eliminate GBV. These include adequate legislation, accessible support and protection services, and gender-sensitive training for law enforcement and judicial actors. It requires States to ensure immediate risk assessments, emergency and long-term protection orders and the removal of barriers preventing women from seeking help, without requiring victims to initiate legal proceedings.



With [General Recommendation No. 32 \(2014\)](#) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee aims to reinforce and complement the international protection regime for refugee women and girls, particularly because the 1951 Refugee Convention and its 1967 Protocol do not explicitly address gender equality. Women asylum seekers are entitled to have their rights under the Convention respected. They are entitled to not be discriminated against and to be treated with respect and dignity at all times during the asylum procedure.

This latter recommendation is intended to ensure that States parties apply a gender perspective when interpreting all five grounds and use gender as a factor in recognising membership of a particular social group for the purpose of granting refugee status. The Committee notes that violence against women, which is a prohibited form of discrimination against women, is one of the major forms of persecution experienced by women in the context of asylum and is recognised as legitimate grounds for international protection in law and in practice. GBV may intersect with other grounds of discrimination, including age, race, ethnicity/nationality, religion,

health, class, caste, being lesbian, bisexual or transgender and other statuses.

More specifically, the Recommendations state that harm inflicted by non-State actors amounts to persecution when the State cannot or will not offer protection, including when discriminatory laws or practices prevent women from receiving support. The Committee notes that some receiving States invoke the “internal flight alternative”, arguing that a woman can avoid persecution by relocating within her country of origin. However, refugee protection must be effective, and any proposed internal relocation must meet strict criteria. Authorities must consider whether the woman can safely travel, enter, and settle in the proposed area and must take full account of gender-specific risks. Women may face significant barriers to internal relocation, including legal or cultural restrictions on movement; difficulty securing housing, childcare or income; and heightened risks of harassment, exploitation, or sexual violence.

The Committee further stresses that a woman’s failure to seek State protection or file a complaint before fleeing should not undermine her asylum claim, particularly in contexts where violence against women is tolerated, or authorities routinely fail to respond to such abuse. Expecting her to seek protection before escaping is often unrealistic, especially when she may fear retaliation, distrust the justice system, or lack meaningful access to it.

Additionally, states should not question a woman asylum seeker’s credibility solely because she cannot provide documentation. In many countries, women have limited access to official records, so their credibility must be assessed using other evidence. Late disclosure of sexual violence or other traumatic experiences should also not automatically undermine credibility. Such delays often arise from shame, stigma, or trauma. To facilitate full disclosure, interview procedures should guarantee confidentiality, including reassurance that information will not be shared with family members without the woman’s consent.

Lastly, it must be emphasised that asylum procedures that do not take into account the special situation or needs of women can impede a comprehensive determination of their claims. For example, asylum authorities might fail to provide same-sex interviewers and interpreters to allow women to present their claims in a safe and gender-sensitive environment, might interview only the male “head of household”, or might interview women asylum seekers in the presence of their husbands or male family members who may in fact be the source of their complaints. The Committee is concerned that many asylum systems continue to treat the claims of women through the lens of male experiences, which can result in their claims to refugee status not being properly assessed or being rejected.

### 1b) Istanbul Convention

The Council of Europe Convention on preventing and combating violence against women and domestic violence, also known as “Istanbul Convention”, requires parties to develop laws, policies and support services to end violence against women and domestic violence.<sup>10</sup> It identifies gender-based violence as an extreme form of discrimination, stating that ‘*violence against women is understood as a violation of human rights and a form of discrimination against women*’,<sup>11</sup> and calls on states and the international community to work toward the eradication of violence against women.

The Istanbul Convention includes a full chapter on women in the context of migration. More specifically, Article 60 states that:

*“1. The Parties shall take the necessary legislative or other measures to ensure that gender-based violence against women may be recognised as a form of persecution within the meaning of Article 1, A(2) of the 1951 Convention Relating to the Status of Refugees, as well as a serious form of harm giving rise to complementary/subsidiary protection.*

*2. The Parties shall ensure that a gender-sensitive interpretation is given to each of the grounds enumerated in the Convention, and that whenever it is established that the fear of persecution is related to one or more of these grounds, refugee status shall be granted to the applicants in accordance with the applicable relevant instruments.*

<sup>10</sup> The [Istanbul Convention](#) was transposed into the Greek legislation with the Law no. 4531/2018.

<sup>11</sup> Article 3 of the Istanbul Convention.

*3. The Parties shall take the necessary legislative or other measures to develop gender-sensitive reception procedures and support services for asylum seekers, as well as gender-sensitive asylum guidelines and procedures, including the determination of refugee status and applications for international protection.”*

And in Article 61, it is stated that:

*“1. The Parties shall take the necessary legislative or other measures to respect the principle of non-refoulement in accordance with their existing obligations under international law.*

*2. The Parties shall take all the necessary legislative or other measures to ensure that victims of violence against women who are in need of protection, regardless of their status or place of residence, are not returned under any circumstances to any country where their lives may be at risk or where they may be subjected to torture or inhuman or degrading treatment or punishment.”*

Additionally, the Council of Europe’s Committee of Ministers adopted in May 2022 a new recommendation on protecting the rights of migrant, refugee, and asylum-seeking women and girls, outlining concrete measures to address their specific needs and challenges and urging member states to strengthen gender-responsive policies and protection mechanisms.

In its [2023 report on Greece](#), GREVIO identified several procedural shortcomings and issued concrete and urgent recommendations calling for immediate reforms to ensure more effective protection for survivors of gender-based violence.

To start with, it strongly encourages the Greek authorities to ensure that professionals handling applications for international protection are adequately trained to apply the relevant legal provisions to gender-based violence (GBV) claims, including by interpreting all grounds of persecution under Article 1A(2) of the 1951 Refugee Convention in a gender-sensitive manner. They are further encouraged to ensure that asylum-seeking women and girls receive appropriate support throughout the asylum procedure, enabling them to fully disclose the grounds for their claims. This includes the effective implementation of existing gender-sensitive procedural safeguards and ensuring access to quality interpretation and legal aid.

The authorities are urged to address the negative impact of the “safe third country” concept on women and girls who are victims of GBV and to prevent their exposure to further violence or re-traumatisation, especially after Türkiye’s withdrawal from the Istanbul Convention in 2021. Effective access to the asylum procedure must be guaranteed, including by lifting the administrative fee for subsequent applications. They are also urged to uphold the principle of non-refoulement for victims of violence against women, including those arriving by sea, and to take decisive measures to prevent and investigate acts of GBV against women and girls seeking international protection.

Moreover, the Greek authorities should ensure safe and adequate reception conditions, appropriate accommodation, including single-sex facilities where necessary, ensure access to healthcare and basic support, establish effective vulnerability screening upon arrival, and create referral pathways and dedicated focal points for sexual and gender-based violence in all reception and identification centres. Finally, the authorities should adopt and fully implement gender-sensitive reception guidelines, remove barriers to accessing specialist support services, facilitate cooperation with experienced NGOs, and provide asylum-seeking women with clear information on their rights and available remedies. Urgent measures are also required to meet the accommodation and support needs of women and girls whose applications have been declared inadmissible under the relevant Joint Ministerial Decision.

As will be further analysed below through the review of specific cases, no meaningful improvement has followed. On the contrary, the situation appears to be deteriorating.

### **1c) The Qualification Directive**

The Qualification Directive defines a ‘particular social group’ as one whose members share an innate or fundamental characteristic that cannot be changed and whose members are perceived as distinct by society.<sup>12</sup> The Directive

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<sup>12</sup> Article 10 of the [Qualification Directive](#) 2011/95/EU has been transposed into Greek legislation through Law no. 4939/2022, titled “Asylum Code”.



calls for a common understanding of this ground of persecution, ensuring that factors such as gender and related harmful practices, which could stem from certain legal traditions and customs such as female genital mutilation, forced sterilisation, or forced abortion, are duly considered when assessing asylum claims so far as they are related to the applicant's well founded fear of being persecuted.<sup>13</sup>

Situations that may qualify women as a “particular social group,” based on shared characteristics, include: those who have experienced rape or sexual violence and face social stigma; survivors of trafficking or prostitution who are ostracised; women who defy traditional gender roles or refuse forced marriage; divorced women; those advocating for gender equality; women at risk of female genital mutilation; those accused of witchcraft; or those penalised for having an illegal abortion.<sup>14</sup> Women in such situations may face various forms of persecution, including reprisals, severe discrimination, or social exclusion.

Moreover, the Directive defines serious harm as: death penalty or execution; torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.<sup>15</sup>

GBV, depending on the country of origin or the individual circumstances of the survivor, can amount to execution or to inhuman and degrading treatment perpetrated by both private and public actors.

#### 1d) CJEU case law

CJEU case law has confirmed that the Qualification Directive must be interpreted in a manner consistent with the Istanbul Convention.

In 2024, the Court of Justice of the European Union issued three landmark rulings which confirmed that being female is an inherent characteristic that satisfies the first condition for identifying a particular social group under the Qualification Directive, and thereby strengthened protection for women and girls facing gender-based violence. Based on the Court's rulings, in order to determine whether women, due to their gender, constitute a particular social group in a given country of origin, the decision maker must assess whether women are collectively perceived as distinct by the surrounding society of that country. This involves a comprehensive evaluation of how societal norms, legal frameworks, and cultural attitudes towards women shape their collective identity. The assessment must be grounded in an objective understanding of the societal context, ensuring that women's status as a social group is evaluated in relation to the broader dynamics of gender, power and persecution within the specific country of origin.<sup>16</sup>

In its judgement in the case WS, [C-621/21](#), the Court recognised women, including those subjected to domestic violence, as a protected “social group” under the Qualification Directive. The Court states that women, as a whole, may be regarded as belonging to a social group within the meaning of the Qualification Directive. Consequently, they may qualify for refugee status when they are exposed to physical or mental violence, including sexual violence and domestic violence in their country of origin, on account of their gender. If those conditions are not met, they must at least be considered for subsidiary protection where there is a real risk of killing or serious violence by family or community members. This judgment also states that, in light of Article 15 of the Qualification Directive - which seeks to protect individuals whose right to life would be endangered upon return within the scope of subsidiary protection - the term “execution” cannot be limited to killings carried out by State actors. Therefore, when a woman faces a real risk of being killed by family or community members for allegedly violating cultural, religious, or traditional norms, such harm qualifies as “execution” within the meaning of that provision.

In its judgment in K, L, [C-646/21](#), the CJEU highlighted the role of gender equality in defining membership in a particular social group. It ruled that women and girls who, during their stay in an EU Member State, genuinely come

<sup>13</sup> Recital 30 of the [Qualification Directive](#) 2011/95/EU.

<sup>14</sup> EUAA, [Practical Guide on Membership of a Particular Social Group](#), Second edition, May 2025.

<sup>15</sup> Article 15 of the [Qualification Directive](#) 2011/95/EU.

<sup>16</sup> EUAA, [Practical Guide on Membership of a Particular Social Group](#), Second edition, May 2025.

to embrace the fundamental value of gender equality may, depending on the conditions in their country of origin, be treated as belonging to a “particular social group” under the Qualification Directive. This identity can therefore constitute a valid reason for persecution and justify the granting of refugee status.

In its judgment in AH and FN, [C-608/22 and C-609/22](#), the CJEU further ruled that women facing systemic, gender-based restrictions may be granted refugee status without an individualised risk assessment. The CJEU held that the cumulative discriminatory measures imposed on Afghan women by the Taliban - such as restrictions on education, employment, healthcare, and freedom of movement - constitute acts of persecution under Directive 2011/95/EU. The CJEU confirmed that, given the systemic and severe gender-based oppression faced by women under the Taliban, Member States may grant refugee status to Afghan women without requiring proof of an individualised risk. For the asylum assessment, it is sufficient to rely on the applicant’s gender and Afghan nationality alone, given that all women in Afghanistan are exposed to acts of persecution.



The international and regional legal framework is clear: Gender-based violence can constitute a standalone ground of persecution, and asylum systems must integrate gender-sensitive procedures to ensure fair and meaningful access to protection.

Despite these recommendations and obligations, significant gaps persist between the law and its implementation; gaps that become particularly evident in the Greek asylum system. Greece has failed to implement effective measures to protect survivors of GBV. Instead of adopting a holistic approach that ensures safety, dignity, and access to justice for refugee women, Greek asylum authorities often reject GBV-based claims on credibility grounds, routinely dismissing the impact of trauma, cultural barriers, and the systemic obstacles women face in narrating their experiences. Moreover, measures to prevent GBV and to offer appropriate, dignified support to survivors remain insufficient and fragmented, ultimately undermining Greece’s compliance with its legal obligations.

In the following section, we examine the situation in Greece in detail, highlighting the systemic shortcomings that lead to the wrongful rejection of GBV survivors’ claims and demonstrating Greece’s ongoing non-compliance with its EU and international legal obligations.

## **2. A system that fails the most vulnerable: An overview of the Greek asylum procedure**

### **2a) Overview: the asylum procedure in practice**

Upon arrival in Greece, individuals must immediately approach the authorities, express their intention to apply for asylum, and lodge an asylum application. At this stage, they undergo a screening and identification procedure, during which their personal data and the reasons for seeking protection are recorded. This process should also include a medical examination and a vulnerability assessment in order to identify any need for specific procedural safeguards.

Subsequently, applicants are invited to attend an interview with the Asylum Service. During this initial stage, applicants are not provided with individual legal consultation or free access to legal assistance within the reception facilities. Instead, they must proactively seek legal support on their own in order to obtain guidance on the procedure, prepare for the interview, and collect the necessary documentation. It is at this stage that the refugee status determination process takes place, during which it is decided whether the applicant qualifies for international protection.

In the event of a rejection, the applicant may lodge an appeal before the Appeals Authority. Legal assistance is mandatory at this stage, and the Asylum Service provides a list of lawyers included in the relevant registry. From 2022 to 2025, approximately 60 per cent of appeals were supported by registry lawyers, while the rest were assisted either by NGOs or private lawyers.<sup>17</sup>

If the application is again rejected, the applicant may submit an application for annulment seeking judicial review of the decision. Legal representation is also mandatory at this stage. Free legal assistance may be granted upon application for legal aid before the competent court. However, less than 30 per cent of such applications were supported through this mechanism in the last six years.

Following a final rejection, applicants are no longer considered asylum seekers and are subject to either voluntary or forced return. In many cases, however, they face the risk of prolonged detention because they cannot be effectively returned to their country of origin, leaving them trapped in legal limbo.<sup>18</sup>

Only if new and substantial elements arise may the applicant submit a subsequent application, as will be further discussed below.

### **2b) Refugee status determination: barriers to the recognition of gender-based persecution**

During the refugee status determination process, survivors must demonstrate a clear link between their lived experience and acts of persecution, fear of future persecution, or a lack of protection from it.

This constitutes one of the greatest challenges that asylum authorities impose on survivors. The very nature of gender-based violence as a crime is often overlooked, as is the profound psychological impact it may have. Trauma may manifest in ways that reach extreme levels of repression, making it exceptionally difficult, or even impossible, for survivors to recount coherently what they have endured. Added to this challenge is the inherent difficulty of proving a form of violence that is multifaceted and multilayered, and which does not always leave visible or immediate evidentiary traces. An even more serious problem lies in the stereotypical and demeaning perceptions toward third-country nationals, particularly women who are alone, who are often met with suspicion or prejudice.

Equally significant is the Western-centric assumption that state protection is always available and effective. This assumption diverges substantially from the lived experience of many survivors, even in Greece, where social and judicial support for victims is far from guaranteed, femicides are on the rise, victims are frequently stigmatised or publicly discredited, and where even the conviction of perpetrators for particularly heinous crimes, such as rape or the sexual abuse of minors, often requires sustained and intense social struggle to be achieved - something that,

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<sup>17</sup> MoMA, [Data and statistics](#).

<sup>18</sup> RSA, 2024, [Immigration detention statistics in Greece in 2024: Systematic deportation and detention orders against refugees](#).

RSA, 2025, [Deportation and immigration detention statistics in Greece in 2025](#).



regrettably, occurs only in a limited number of cases.

As a consequence, many applicants are dismissed, and their applications are rejected either as “*non credible*” or as “unfounded”. This approach reflects a profound ignorance of the gendered nature of persecution, and it contradicts the three CJEU landmark rulings mentioned above.

As will be further analysed below, this situation is closely linked to limited access to medical and psychological assistance and degrading living conditions - conditions that may in certain cases amount to inhuman or degrading treatment - as well as to significant shortcomings in the interview procedure, such as superficial vulnerability assessments that fail to ensure adequate procedural safeguards for survivors.

## **2c) Barriers to effective remedies in the asylum procedure**

In theory, rejected applicants can appeal the decision; however, the extremely high rate of second rejections (over 90%) renders this process [ineffective](#). In most cases, the second decision is made without properly considering the legal arguments or conducting a new interview, even when the initial rejection cites insufficient evidence. The appeals are generally reviewed via a written process. Oral hearings are allowed only in rare cases and are seldom seen in practice. Consequently, the initial asylum interview conducted by the Asylum Service often serves as the primary, and sometimes the only, evidence the Committees consider during an appeal review.

ELA has supported 23 cases of GBV survivors during the second instance examination before the appeals authority after a negative decision at the first instance. In the second instance, 11 received negative decisions, five received positive decisions and were granted refugee status or subsidiary protection, and six are still pending. Although this success rate of 30 per cent remains low, it is still considerably higher compared to national averages. It clearly demonstrates that asylum seekers with access to proper legal counselling and support have a significantly greater chance of success.

Following a second rejection, applicants lose their legal status and access to essential rights and public services, including residence, housing, employment, and healthcare. The only remaining option is a judicial review, an expensive and lengthy process that few can afford due to the limited availability of free legal aid. It is also important to note that the Court can only annul flawed decisions and remand cases to the second instance. It cannot grant refugee status directly and lacks the judicial power to conduct a substantive assessment of whether the applicant qualifies for international protection. Also of note is the fact that most successful annulments reveal serious systemic failings in decision-making and highlight the importance of legal assistance.

Furthermore, the application for annulment itself does not automatically suspend the effectiveness of the negative decision. To prevent the immediate effects of the decision, especially forced return, the applicant must also request provisional measures from the court when submitting an application for annulment. The key argument is that returning to the country of origin would cause irreparable harm, which could not be undone if the annulment request is later approved.

Since 2020, ELA has submitted 24 such applications for annulment in support of GBV survivors. So far, only four decisions have been issued, three of which are positive and one negative. Two of the cases that received a positive decision were referred back to the appeals authority for re-examination and were finally granted refugee status. The third positive case is still awaiting re-examination before the appeals authority. ELA has submitted 21 requests for provisional measures concerning GBV survivors: 18 received a positive decision, two were rejected, and one is pending.

The unfair and poorly justified rejections stem from a series of procedural flaws and obstacles, as will be examined below.

### 3. Degrading living conditions

Authorities have a legal obligation to provide adequate care and protection to vulnerable applicants, including survivors of GBV, and ensure that they receive specialised support and adequate reception conditions.



Following the closure of the [ESTIA](#) programme in 2022, Greece faces a critical void in accommodation options for vulnerable people, including survivors of GBV. Currently, survivors are forced to live in isolated [prison-like camps](#) and are housed in areas with mixed populations, where safety and privacy are far from guaranteed. Maintenance of the accommodation is virtually nonexistent. Containers are in disrepair; windows are broken; toilet doors have no locks; there are holes in the walls and floors; and the worn-out mattresses are infested with bed bugs. These conditions not only endanger survivors' physical integrity and mental health, but also heighten risks of re-traumatisation and abuse, underscoring the urgent need for safe, gender-sensitive accommodation.

Living conditions have deteriorated further, as many female participants have reported a complete lack of access to basic hygiene items, including sanitary pads and adequate clothing. Moreover, although applicants are entitled to [cash assistance](#) as part of the reception conditions, this support was not provided throughout 2024.<sup>19</sup> It was only partially resumed in the first months of 2025, then fully suspended again, with no information on when, or even if, it will be reinstated. This uncertainty has driven many applicants for international protection into a state of profound distress and despair, leading some of them to the “solution” of survival sex and exploitation in order to cover their basic needs.

The camps themselves have become environments of heightened insecurity, with numerous incidents of GBV underscoring the authorities' failure to protect displaced women. Yet the true extent of the violence remains largely concealed, as many survivors do not come forward due to fear, shame, or deep distrust of the authorities. In cases of domestic violence in particular, women often remain dependent on their husbands - who may also be their abusers - for basic needs such as shelter, food, and financial support. This dependence, coupled with a system that offers neither adequate protection nor viable alternatives, further discourages women from reporting violence or seeking help.

The European Court of Human Rights has repeatedly condemned Greece for the inhumane and degrading living conditions of asylum seekers, including in [M.B. v. Greece](#), where the Court found a violation of Article 3 of the ECHR due to the appalling conditions endured by a pregnant applicant in the Samos RIC. Similar findings in [M.S.S. v. Belgium and Greece](#), [Mahmundi and Others v. Greece](#), and [A.D. v. Greece](#) highlight a persistent failure to protect vulnerable individuals. Since these rulings, no meaningful changes have been implemented, and vulnerable people continue to be exposed to inhumane treatment and conditions that constitute a violation of human dignity.

<sup>19</sup> “None of the 24,000 people in the camps has received cash assistance over the last seven months of the year 2024, due to the chronic inability of the Greek state to manage the EU-funded programme and to comply with its legal obligations. As a result, most asylum seekers in the camps are unable to cover even basic, necessary living expenses, such as medicine or transportation.” RSA, [2024: Statistics on Refugee Reception and Camps](#).

## 4. Superficial vulnerability assessments

### 4a) Vulnerability assessment and the reception conditions

The vulnerability assessment is meant to ensure that survivors are identified early and protected. This procedure is essential to safeguarding fundamental rights, including access to asylum, healthcare, and physical and mental integrity, regardless of the outcome of the asylum application. However, challenges remain in aligning current practices in the Greek system with the Istanbul Convention and its integrations into the interpretation of the Reception Conditions Directive.<sup>20</sup>

As part of the registration and identification process, applicants should be examined by medical and psychosocial staff within the Reception and Identification Centres (RICs) or the Closed Controlled Access Centres (CCACs).<sup>21</sup> When vulnerability is identified, the respective authority is responsible for referring the individual to the appropriate service for further assessment and support.<sup>22</sup> Moreover, the competent authorities must determine whether the applicant has any special procedural needs that warrant additional support. In practice, individuals are only superficially examined, often without [an interpreter](#). They receive a document, “a health card”, that contains only a code number for each vulnerability or a very brief description of vulnerability, limiting its practical usefulness for follow-up care and protection.

Primary medical treatment and psychosocial support should be provided within the camps by various service providers. However, these actors frequently change, depending on the Ministry of Migration’s agreements with implementing partners. Service providers are often understaffed and fall short of meeting the needs of vulnerable individuals, with one or two doctors serving a population exceeding a thousand people.<sup>23</sup> Referrals to public hospitals are very rare, as no transportation, interpretation, or social services to accompany people are available, making it almost impossible for survivors to access care outside the camps. Many regional hospitals in rural areas, where most camps are located, lack basic services and specialities due to the overall dismantling of public health services in Greece.

The following excerpts provide a clear example of this:

**Asylum Office caseworker:** *Have you said everything you wanted to say regarding your case?*

**Survivor:** *I went to the hospital with the paper [the social worker of the camp] gave me, but the doctors didn’t examine me. They still haven’t called me. All the medication I take, I buy on my own. If I don’t take it, I can’t sleep.*

(Excerpts from T.M. Interview)

**Asylum Office caseworker:** *Do you have any documents to submit today regarding your case?*

**Survivor:** *I only have these because I haven’t even been to a psychiatrist.*

**Asylum Office caseworker:** *Have you visited any doctor regarding what you’ve told me?”*

**Survivor:** *The doctor I visited provided me with the documents I submitted. As for the other doctor I tried to visit, I didn’t have money, so it wasn’t possible for me to go.*

(Excerpts from S.F. asylum interview)

<sup>20</sup> [Reception Conditions Directive, 2013/33/EU](#) has been transposed into Greek legislation through Law no. 4939/2022.

<sup>21</sup> According to Articles 38 and 41 of Law 4939/2022.

<sup>22</sup> Article 1 of Greek Law no. 4939/2022 provides an indicative list of vulnerable persons covering: “minors, accompanied or not, direct relatives of shipwreck victims (parents, siblings, children and spouses), persons with disabilities, elderly persons, pregnant women, single-parent families with minor children, victims of trafficking, persons with serious illnesses, persons with cognitive or mental disabilities and persons having suffered torture, rape or other serious forms of psychological, physical or sexual violence such as victims of female genital mutilation.”

<sup>23</sup> “The figures provided in response to parliamentary questions confirm persisting shortages in the staffing of medical and psychosocial services in the camps. A total of 54 doctors were deployed to the total number of RIS camps, marking an increase compared to 29 doctors at the end of June 2024. Yet, against the backdrop of 27,100 residents, this amounts to one doctor for more than 500 people. Camps like Kos, Filippiada and Pyrgos had no doctor at all.” RSA, [2024: Statistics on Refugee Reception and Camps](#).



Moreover, the limited capacity and lack of specialised training among reception staff often result in insufficient provision of information and support. This situation is further exacerbated by persistent systemic gaps in [interpretation services](#). Currently, there have been periods of over six months without any interpreters available, severely compromising access to essential medical, psychosocial, and procedural support. Additionally, high staff turnover means that not all camps have a social worker to facilitate proper case management of vulnerable individuals. The poor service provided is inconsistent and often lacks proper handovers, particularly when people are transferred from the islands to the mainland, revealing a major weakness in the reception system.

Indicatively, a review of data from 2021 to 2025 shows that the Ministry’s statistics reveal significant inconsistencies, particularly in reported GBV incidents and serious medical conditions. These gaps and fluctuations suggest shortcomings in data collection, recording, and reporting practices, which in turn hinder any accurate assessment of needs and the development of effective protection measures.

| Year            | Total new registrations | Total (other than UMC and separated) | Survivors of GBV (Victims of physical abuse) | Victims of trafficking | Victims of Torture | Serious medical condition |
|-----------------|-------------------------|--------------------------------------|----------------------------------------------|------------------------|--------------------|---------------------------|
| 2021            | 6,939                   | 1,431                                | 478                                          | 29                     | -                  | -                         |
| 2022            | 15,627                  | 2,943                                | 1,723                                        | 164                    | -                  | -                         |
| 2023            | 55,875                  | 5,740                                | 2,115                                        | 114                    | -                  | -                         |
| 2024            | 65,072                  | 9,554                                | -                                            | 171                    | 3,115              | 895                       |
| 2025 (9 months) | 35,711                  | 6,838                                | -                                            | 207                    | 3,495              | 533                       |

Other vulnerabilities, besides the ones listed on the table above, are single-parent families, pregnant women, people with physical or mental disabilities, unaccompanied and separated minors, elderly people and family members of shipwreck victims. The above-mentioned vulnerabilities are readily apparent and do not necessarily require individual assessment.

The overall data provided by the Ministry of Migration and Asylum indicate inconsistent reporting and assessment during registration, seemingly depending on the implementing partners and the services they provide. For instance, data on serious medical conditions are only available for 2024 and 2025, following the implementation of the Hippokratris program by the IOM. Data on GBV survivors were not reported during the registration process in 2024 and 2025.

In any case, the reality is that, in practice, reception conditions do not differ in any meaningful way among asylum seekers living in the camps.<sup>24</sup> Despite the existence of legal provisions that require tailored support for individuals with specific needs, including GBV survivors, women, and other vulnerable groups, the services provided remain uniform and inadequate. As a result, those who require specialised protection or care receive no differentiated assistance, further exposing them to risks and undermining their ability to access their rights.

#### 4b) Vulnerability assessment and the asylum procedure

Vulnerability is a crucial factor not only in determining reception conditions but also in shaping the asylum procedure itself. Survivors of GBV, due to their individual circumstances, require special procedural guarantees in order to benefit from the rights and comply with the obligations set out in the law.<sup>25</sup> It is important to note that these guarantees are neither defined nor exhaustively listed in the Directive or in Greek Law, thereby granting Member States discretion in determining both the profile of applicants who require special procedural guarantees and the nature of those guarantees.

Beyond the immediate repercussions for applicants’ health and well-being, the challenges in accessing healthcare described above also substantially affect asylum procedures. Without proper recognition of their vulnerabilities,

24 RSA, [Human Rights Day: The unseen reality of refugee camps in Greece](#), December 2025.

25 Article 72, Law no. 4939/2022.

applicants are not provided with the procedural safeguards necessary to effectively present their claims. Many are unable to obtain the medical or psychological evaluations needed to substantiate their asylum claims due to a lack of available professionals and ineffective referral procedures.

For example, women who have undergone FGM may submit a medical document during their asylum interview to help substantiate their claims. In some camps, this certificate can be issued by the medical actor operating inside the camp. However, in other camps, women must book an appointment and travel to the nearest public hospital to obtain the documentation, thereby facing all the challenges and obstacles described above.

In some cases, a person's vulnerability can be further substantiated by a social report from a social worker or psychologist working in the camp. However, applicants are often not properly informed about this possibility, a gap compounded by the broader lack of information and limited access to legal advice at the first stage of the procedure. The following excerpt illustrates this point:

**Asylum Office caseworker:** *Do you have any documents you wish to submit that are related to your application for international protection in Greece?*

**Survivor:** *I have a document that was given to me, and I have already submitted it; your colleague has it.*

**Asylum Office caseworker:** *It will be included in your file. What does this document you are submitting concern?*

**Survivor:** *I don't know what is written on the paper. They simply asked me to tell my story, they drafted a report, and they had me sign it.*

*(Excerpts from T.M. Interview)*

Furthermore, following the new Joint Ministerial Decision from April 2025<sup>26</sup>, the Independent Asylum Unit for Vulnerable Applicants - which until then only examined cases of unaccompanied minors - will also be responsible for other vulnerable applicants, provided that their vulnerability has been identified during registration and recorded in the system. This development makes the need for a timely and accurate assessment of vulnerability even more pressing. In practice, operating only two specialised units, one in Athens and one in Thessaloniki, for the entire mainland is insufficient and will inevitably create backlogs, delays in interview scheduling, and slower issuance of decisions.

Overall, the system of vulnerability assessment and the provision of specialised support for asylum seekers in Greece remains deeply inadequate. Superficial evaluations, inconsistent data recording, understaffed services, and the absence of interpretation severely undermine the early identification of survivors of GBV and other vulnerable individuals. These shortcomings not only compromise applicants' health, safety, and dignity within the reception system; they also have direct consequences on their asylum claims, depriving them of the procedural safeguards and documentation necessary to substantiate their cases.

## 5. Flawed interview procedures

The cornerstone of the asylum procedure is the personal interview, a decisive and complex process which offers applicants the opportunity to present the reasons for seeking international protection. The quality, sensitivity, and fairness of this interview are crucial to ensuring that asylum decisions are accurate, just, and in line with international protection standards.

However, several factors critically influence the fairness and effectiveness of the personal interview, particularly for GBV survivors. These include the applicant's mental and emotional state, the availability of a same-sex caseworker

<sup>26</sup> Joint Ministerial Decision 62739/2024.

and interpreter upon request, the manner and sensitivity with which the interview is conducted, and the timeliness of its organisation. Equally important are the quality of remote interviews, the level of training and gender sensitivity of interviewing staff, the accuracy of interpretation, and the strict preservation of confidentiality. Ensuring that these standards are consistently upheld is essential to safeguarding the applicant's right to fair, dignified, survivor-centred and trauma-informed asylum procedures. The following excerpt provides a clear example of this.

**Asylum Office caseworker:** *Are you feeling well? Are you taking any medication? Are you ready for the interview to begin?*

**Survivor:** *I'll try. I'm taking medication, I have neurological problems, but I will try to answer correctly.*

**Asylum Office caseworker:** *What kind of health problems are you facing?*

**Survivor:** *I have depression.*

**Asylum Office caseworker:** *Are you taking medication for this issue?*

**Survivor:** *Yes, I am taking medication.*

**Asylum Office caseworker:** *Later, we will discuss your health condition in more detail—when it started, etc.*

**(There was no further question or investigation on the health condition of the applicant)**

*(Excerpts from Z.M. interview)*

The way questions are framed and the sensitivity with which they are asked play a decisive role in allowing the survivor's story to be revealed without causing further trauma. Beyond these procedural aspects, the quality of communication and interaction between the caseworker and the applicant is critical. Asylum interviews are often conducted without sufficient depth or sensitivity, with caseworkers failing to ask clarifying questions that would allow applicants to fully present their experiences. Caseworkers frequently ask inappropriate or retraumatising questions, reflecting a lack of understanding of the specific needs of survivors of GBV. In recent cases concerning female genital mutilation (FGM), interviews have reportedly been reduced to a single question - whether the applicant holds a medical certificate - disregarding the complexity of such claims and the broader context of gender-based harm and persecution they entail. When it comes to [SOGIESC asylum seekers](#), the situation is even worse, as they are asked humiliating questions often based on stereotypical approaches to sexuality matters. This approach undermines both the fairness and the quality of the procedure.

ELA has supported 39 cases, including both first or subsequent applications, of survivors of GBV during their eligibility interview before the asylum services. Twenty-one individuals received a positive decision and were granted refugee status or subsidiary protection; 12 were rejected, and three cases are still pending.

### **5a) The issue of the absence of a same sex interpreter and caseworker**

The law provides applicants with the right to be interviewed by an officer of the same sex and, where possible, assisted by a same-sex interpreter.<sup>27</sup> In practice, however, survivors of gender-based violence often have little control over these arrangements. Our experience shows that even when a female caseworker is assigned, the interpreter is frequently male, particularly in interviews involving less common languages or dialects, where a male interpreter is often the only one available.

The absence of a same-sex interpreter can seriously impede the ability to recount experiences of abuse, leading in many cases to partial or complete non-disclosure. This challenge is compounded by the fact that interpreters often come from the same community as the applicant. In tightly knit communities, survivors may fear stigma, retaliation, or breaches of confidentiality, especially when the interpreter is of the opposite sex. These dynamics significantly affect their willingness to reveal incidents of violence, including sexual assault or domestic abuse. The following excerpt illustrates this.

<sup>27</sup> Article 8, Law no. 4939/2022 and Article 15 of the recast Asylum Procedures Directive.



*“ During this interview, under the conditions in which it was conducted, I was not in a position to present the main reason for my persecution in Somalia, namely that I was subjected to female genital mutilation and that I fear the repetition of this practice, as is customary in my country of origin. This was because the interview was conducted remotely and with the participation of a male interpreter. However, this element was known to the Committee, both through my medical card and through the psychosocial report prepared by the psychologists of the National Public Health Organisation (EODY), which is included in my administrative file.”*

(excerpts from M.F.'s application for annulment)

Another systemic problem is the frequent use of multi-step interpretation. As not all interpreters speak Greek, some interviews rely on a chain of interpretation (e.g. the applicant's language -> English -> Greek). This not only increases the risk of miscommunication, omissions, and inaccuracies but also lengthens interviews and heightens survivors' anxiety. Taken together, the lack of appropriate interpreter arrangements undermines the survivor's right to a safe, trauma-informed interview environment and directly affects the quality and completeness of the testimony on which asylum decisions depend. These procedural shortcomings contribute to the misinterpretation of facts, weak credibility assessments, and ultimately unjust rejections of GBV survivors' claims.

### **5b) The issue of remote interviews**

Following the introduction of COVID-19-related measures, digitalisation initiatives were expanded under the pretext of improving the efficiency and quality of asylum procedures. In practice, however, these measures have largely been adopted to compensate for the lack of transportation for applicants living in remote areas or in camps far from asylum offices. As a result, almost all interviews are now conducted remotely, with in-person interviews reserved only for cases where a vulnerability assessment indicates that a remote format is unsuitable, a determination that is rarely made. This shift is particularly problematic for GBV survivors, who often disclose their experiences only at a much later stage of the asylum procedure, making remote interviews even less adequate for ensuring safe and meaningful disclosure.

During remote interviews, applicants are typically connected from designated spaces within reception facilities, while caseworkers and interpreters participate online. This setup frequently leads to technical disruptions, such as unstable internet connections, which undermine both the quality and continuity of the interview. Equally concerning are the conditions under which these interviews are held: they are often conducted in containers that offer little to no privacy, allowing others nearby to overhear deeply personal testimonies. Such settings not only compromise confidentiality but also risk re-traumatising survivors and discouraging full and honest disclosure of their experiences. The following excerpts illustrate this point.

In the case of a remote interview:

*The responsible employee, who is located outside the room, will assist you if any technical problem occurs. I will contact the technical staff when you inform me of any problem, so that they can come to the room and help resolve it.*

[INTERNET INTERRUPTION: 8:57 – 9:06]

(Excerpts from Z.M. interview)

(interruption at 12.50 due to unavailability of interpretation/ The interview began at 11.30 due to the inability to connect to the structure where the applicant is located, due to bad weather conditions. The supplementary interview is expected to be rescheduled.)

Fylakio, .././2024

(Excerpts from K.D. supplementary interview)

*“As you understand, today’s interview will be conducted remotely. This method was chosen to expedite the processing of your request.*

*Q: Do you consent to your interview being conducted remotely?*

*A: Yes, I have no problem.”*

(She is asked for the first time during her remote interview whether she consents to do the interview remotely, after waiting for a long period for this interview.)

(Excerpts from K.D. interview)

Applicants with specific vulnerabilities, such as survivors of GBV, require a safe, empathetic, and trusting environment during their interviews. Such conditions are extremely difficult to achieve in remote settings. Survivors of GBV, regardless of gender or age, often need tailored, trauma-informed support that can only be provided through in-person interviews. Complex cases involving multiple, sensitive issues further highlight the limitations of remote procedures, which hinder effective communication and the use of specialised interview techniques.<sup>28</sup>

Under such conditions, disclosing experiences of GBV becomes extremely difficult, as survivors may not feel safe or understood. On a substantive level, caseworkers must take all necessary measures to ensure that survivors feel safe, supported, and respected throughout the interview process. Ensuring a sense of safety requires practical accommodations, such as allowing applicants to take breaks whenever they feel unwell or overwhelmed. This obligation applies both when vulnerability has already been identified and documented and when it emerges during the interview itself, as is often the case with domestic violence.

While vulnerability may, in some cases, justify a remote interview, it can equally be a reason to exclude it. A genuine, case-by-case evaluation is therefore essential to ensure that vulnerable applicants receive a fair, dignified, and trauma-sensitive asylum procedure. However, in practice, very few individual assessments are conducted to determine whether a remote format is suitable for each applicant’s circumstances.

The following case illustrates some of the issues related to the questions asked during the asylum interview, as well as the obstacles arising from the fact that the interview was conducted remotely.

K.D. is a single woman from Guinea, a survivor of GBV who arrived in Greece in 2023. During her interview, she stated the following:

*“Q: At this point, we will look at the reasons why you left your country of origin and are seeking international protection. Tell me in your own words why you left Guinea. I will ask you to be as specific as possible in your descriptions and to use names when referring to people or cities.*

*A: I was very well with my family until one day they told me that a groom had arrived. I didn’t want him; I had already met my husband, and I wanted him. I got pregnant and my family didn’t accept it because I am Muslim and he is Christian. My family humiliated me. Until I got pregnant, my husband went to prison. My family locked me in the house and forced me to do all the chores. When my husband got out of prison, I wanted to go with him, but because of my pregnancy, I couldn’t. My family hates me, and they told me that I was dirty and no longer pure. I became dirty like him until I gave birth. I stayed with my family, and the situation was always the same. My family wanted to marry me to an old man, and I didn’t accept it, and they told me that either I accept it so I can become pure, or I will stay at home with your daughter. I told them that I can’t marry him because he has 4 wives, and they told me that his second wife is old. They had all risen up against me, and they took my daughter away from me. I haven’t seen her since then. My uncle beat me a lot, and I bled, and his wife told him to stop because he was going to kill me. Blood was flowing from my leg, and I had no other choice, so I was forced to marry the old man. He beat me every*

28 EUAA, [Guidance on Remote Interviews](#), April 2025.

*day and raped me for 6 months. One day, my aunt came and told me that my daughter had died, and I screamed to know how this happened, and I tried to find out the reason, but she told me that she didn't know. I had nothing with me, and I couldn't leave the house. My husband's wife was elderly, and he went to the market with his other wives. The only one who visited me was my cousin. Someone called my child's father and informed him that my daughter had died. Until my cousin came and gave me her cell phone, I hadn't spoken to my ex-husband. She decided to return to Guinea, and they told me to calm down a bit, and they would see how they could help us." (...)*

*Q: Did you ask the police for help?*

*"A: Yes. When they took my husband to prison, I was pregnant. My uncle was beating me, and I called the police. Unfortunately, the police are corrupt. My uncle told them that I should obey the family, since I am married. Then the police said that the matter is a family matter and they cannot interfere." (...)*

*"Q: What do you fear will happen to you personally if you return to Guinea?*

*"A: If I go back, as long as this old man is alive, they will send me to him, and it is something I don't want."*

*Q: Could you live in another area of your home country, such as Cancun, where you would be safe?*

*"A: No, we Peuhl are scattered everywhere. My aunts are married and live in Kankan, and they will find me. Unless I stay locked up in my house forever."*

*Q: Could your relatives host you in Cancun, where you would be safe?*

*"A: They're all from the same family. The only reason I could go back and live with this old man and have children for him. That's the only way they'll accept me." (...)*

*-I'm very sorry for everything that happened to you.*

(Excerpts from K.D. interview)

Her application was rejected.

This case illustrates serious procedural and substantive shortcomings in the asylum system. Her first asylum interview was conducted remotely from Kavala to the Regional Asylum Office of Thessaloniki, while a supplementary interview took place eight months later, again remotely, from Kavala to the Asylum Service of Fylakio, Evros. Despite the fragmented and delayed nature of the procedure, the Regional Asylum Office of Thrace rejected her application as unfounded and ordered her return.

The rejection was based largely on findings of alleged vagueness, inconsistencies, and "logical gaps" in her account, particularly concerning her forced marriage and her relationship with a man of a different religion. These credibility findings were upheld on appeal, leading to the dismissal of her claim for refugee status.

In her application for annulment, the applicant argues that the decision is unlawful due to serious procedural violations, including deficiencies in the way the interviews were conducted and the failure to summon her for an oral hearing before the Appeals Committee, despite acknowledged ambiguities in her testimony. She further challenges the inadequate reasoning for denying both refugee status and subsidiary protection, and invokes violations of the Istanbul Convention on preventing and combating violence against women. She maintains that if returned to her country of origin, she faces a real risk of renewed psychological, physical, and sexual violence from her former husband and her family, with no access to effective state protection or a support network. She also suffers from post-traumatic stress disorder and risks being cut off from essential psychosocial care if left undocumented.



### 5c) The issue of a different person conducting the interview and a different one issuing the decision

Greek law provides that the interview and the decision should normally be conducted by the same case officer, who is responsible for examining and deciding on the application (Article 77(2) of Law 4636/2019 and Article 19 of Ministerial Decision 3385/2018). Only as an exception, in situations of large-scale arrivals, may interviews be conducted by EUAA staff or other trained personnel. However, what was intended as an exceptional measure is now routinely applied.

In practice, asylum interviews are often conducted by a case officer from the European Union Agency for Asylum (EUAA), while the final decision on the application is taken by a different case officer from the Greek Asylum Service. This raises serious concerns regarding credibility assessments, as the decision-maker was not present during the interview and relies solely on the written record.

It is also often the case that the caseworker who conducted the interview submits a recommendation for a positive decision, which is not taken into account by the caseworker issuing the final decision, who instead evaluates the case solely on the written record.



## 6. How GBV accounts are evaluated by the asylum authority

The following analysis highlights recurring patterns in the examination of asylum claims concerning survivors of gender-based violence. A common feature of the cases analysed below is that asylum applications rely on multiple and cumulative grounds of persecution, as it is very common for survivors to have experienced multiple forms of violence.

In many cases, survivors' accounts are dismissed as not credible, often due to perceived inconsistencies or a lack of detail, despite the well-documented difficulties survivors may face in recounting traumatic experiences. Even where elements of the claim are considered credible, decision-makers frequently conclude that the violence described does not reach the threshold of serious harm required for international protection. Certain forms of violence, such as forced marriage, are at times characterised as "private matters," while claims related to female genital mutilation (FGM) are often rejected on the basis that the harm occurred in the past and therefore does not give rise to a present risk of persecution. At the same time, the long-term physical and psychological consequences of FGM are frequently disregarded.

Additional barriers arise from expectations placed on survivors to demonstrate that they sought protection from state authorities in their country of origin, for example by initiating legal proceedings against perpetrators of domestic violence, or by proving that state protection would have been unavailable or ineffective. Such reasoning overlooks the structural obstacles survivors often face, including fear of retaliation, social stigma, and the lack of effective protection mechanisms.

Finally, problematic procedures within the asylum procedure may further undermine the assessment of protection needs. These include the designation of certain countries as "safe countries of origin," the application of the "safe third country" concept, and arbitrary or incorrect determinations of applicants' nationality. Together, these practices risk preventing a fair and individualised examination of asylum claims brought by survivors of gender-based violence.

Such approaches ultimately place an unrealistic evidentiary burden on survivors and fail to recognise that, under international refugee law, the burden of establishing the facts is shared between the applicant and the examining authority. The relevant standard is not strict proof but a reasonable likelihood that the applicant fears persecution if returned.

### 6a) Survivors' accounts are deemed non-credible

One of the most common grounds for rejecting asylum applications relates to credibility assessments. Applicants are frequently found not credible due to alleged inconsistencies, lack of sufficient detail, or the claim that their account "does not appear to be a lived experience." This occurs despite the significant procedural shortcomings outlined above, particularly regarding the conduct of the interview and the lack of access to legal support during the initial stages of the asylum procedure.

The following excerpts provide a clear example of these issues:

N.Y.N., a single mother from Cameroon, member of a tribe which is marginalised and discriminate against, arrived in Greece in August 2023, fleeing severe domestic violence from her husband belonging to a different tribe and a leading member of a terrorist gang, who "raped, tortured, and injured her with a broken bottle in the lower part of her abdomen", and he was keeping her locked in the house. At the time of the application, she was pregnant, a victim of rape in Turkey.

The case had been rejected as non-credible from the Asylum office with the following reasoning:

*"[...] The applicant was willing to answer the questions posed to her. However, significant logical gaps and inconsistencies were identified in her account of the events leading to her departure from her country. [...] Specifically, the applicant did not provide concrete information or details regarding the situation she experienced from the moment she married the particular man, apart from stating that*

*she had become like a prisoner, had suffered all kinds of abuse, and had been beaten by him. She was vague and did not mention any specific incident, either during her free narrative or in response to the interviewer's questions. When asked about the frequency of the violent behaviour, she replied vaguely: 'Every time he came home'.*"

She appealed the decision, and the Committee found her accounts credible; also, that a well-founded fear of persecution was substantiated:

*"The Committee considers that the experiences the appellant has endured have caused severe psychological trauma and, for this reason, constitute "exceptional circumstances" that would justify recognising her as a refugee, even if there were valid grounds to believe that the past persecution or serious harm might not be repeated. [...] Consequently, in this case, there exists a well-founded fear of persecution of the appellant on grounds related to her membership in a particular social group."*

Firstly, the reasons for fleeing her country were clearly stated, as noted in the appeal decisions, and secondly, the interview transcript shows that no follow-up questions were asked that could have helped the applicant provide more details. She was never asked during the interview to describe an incident in more detail or to mention specific dates.

*"The interviewer was obliged to investigate this point thoroughly by asking relevant, clarifying questions, which she did not do. Furthermore, in the appeal, it is argued that the contested first-instance decision does not provide a reasoned assessment of her claims—on the one hand, it does not evaluate them at all, and on the other, it does not state the reasons why all the evidence is rejected as unreliable. By contrast, its assertions and conclusions collapse under a simple test of logic."*

(Second instance decision, 2024)

F.A., a 42-year-old Kurdish woman from Iraq, arrived in Greece in 2018 with her family, fleeing severe abuse from her family and honour-related crimes. Her husband had converted to atheism, and her family, strict fundamentalists, considered this an offence. F. was abducted by her relatives three separate times and held for long periods without access to her children. During these abductions, she endured psychological and physical abuse, and her family attempted to force her into a divorce. In despair, she attempted suicide twice. Her initial asylum claim was rejected. The decision deemed her account *non-credible* and concluded that:

*"In any case, the events she described did not constitute serious harm or demonstrate a real risk to her life or physical integrity."*

Their appeal was also dismissed on the same grounds:

*"The applicant's statements do not appear to constitute a risk of bodily harm or death to her, as no violent incidents have arisen against her from her side of the family"*

In 2023, F. filed an application for annulment. The Court accepted her claim, ruling that the previous decision lacked proper legal reasoning. The case was sent back to the second-instance appeals authority, which, six years after the family's arrival in Greece, finally granted them refugee status.

M.S., a single woman from Somalia and a survivor of gender-based violence and female genital mutilation (FGM), had her asylum application rejected on credibility grounds.

She appealed against the first instance rejection decision, and the Appeals Committee, after re-examining her accounts, granted her subsidiary protection:



*“The appellant is a woman without family or a supportive kinship network, with no particular education, unemployed, and lacking a sufficient support environment, as she has never met her father, does not know where her mother lives, and her sister now resides in Yemen. Somalia maintains conditions that are hostile to women, making it particularly difficult for the appellant, given her profile, to survive with dignity. Specifically, the Appeals Committee takes into account that, according to the international sources cited in Chapter C, women without a strong family or kinship support network, such as the appellant, are at risk, upon return to Somalia, of facing serious harassment and violations of their rights by citizens, within the context of prevailing social norms and practices. At the same time, they face significantly limited employment opportunities and extremely high unemployment rates, precisely because they are alone. Moreover, there are reports of severe discrimination against women, particularly those living alone. The above information also indicates that, nationwide, women have significantly fewer job opportunities compared to men. In fact, the few jobs available to them are not equally paid due to traditional practices and attitudes against them. (...) In view of the above, and taking into account the conditions the appellant would be forced to face, combined with the absence of an adequate legal framework for gender equality, the lack of measures to punish discriminatory treatment, and the absence of an effective system for the protection and integration of women with the appellant’s profile, i.e. an unemployed woman with no family or kinship support network, low educational level, and lacking professional skills, the Committee finds that the appellant is at risk of being exposed to undignified living conditions in Somalia and, being in a vulnerable position without a sufficient protective network, is at risk of suffering serious harm in the form of inhuman or degrading treatment (...).”*

E.N., a single woman from the Democratic Republic of Congo and a survivor of gender-based violence with documented mental health issues, had her asylum application rejected on credibility grounds.

She appealed against the first instance rejection decision, and the Appeals Committee, after re-examining her accounts, granted her subsidiary protection:

*“The appellant, in the event of return to her country of origin, is at risk as a person suffering from mental illness, based on the state of her mental health. According to available international sources regarding the healthcare system in the Democratic Republic of the Congo and the existing shortcomings and dysfunctions it presents in the medical treatment of individuals with mental health conditions, the Committee finds that the specific circumstances to which the appellant would be subjected to upon return to the Democratic Republic of the Congo constitute essentially a deliberate denial of medical care. These conditions are sufficient to establish that she would be at risk of being exposed to treatment reaching the threshold of severity required to be considered inhuman or degrading treatment within the meaning of Article 3 of the European Convention on Human Rights (ECHR).”*

## **6b) The violence does not reach the level of serious physical or sexual abuse**

In several cases, asylum authorities acknowledge that applicants’ accounts are consistent with country of origin information, such as reports documenting high rates of domestic violence in Pakistan in the cases below. However, even when the harm described is recognised as credible and concerning, decision-makers often conclude that it does not meet the required threshold of severity to qualify for international protection. Similarly, many claims are rejected on the grounds that the applicant’s account does not sufficiently demonstrate “lived experiences.” In cases involving the risk of forced marriage, for example, applicants should not be expected to have already endured the marriage and somehow escaped in order to establish their claim. Risk, by definition, refers to a real and foreseeable likelihood of harm. Such a likelihood may reasonably compel a young woman to flee her country and seek protection elsewhere.



M.M. and her younger sister, aged 19 and 17 respectively, arrived in Greece in 2019 seeking international protection after fleeing domestic violence and the risk of forced marriage in Pakistan. The younger sister, who is only two years younger, was granted refugee status, with the following statement:

*“The applicant expressed her fear and unwillingness to return to her country due to the fact that, after the death of her parents, the uncle who assumed her guardianship treated her badly. From the aforementioned claims, as assessed by the Service, it follows that she has a well-founded fear of persecution in Pakistan on account of her membership in a particular social group, within the meaning of the above-mentioned provisions.”*

Even though both sisters were facing exactly the same risk, M.M.’s claim was rejected as unfounded at both the first and second instance:

*“In particular, according to the reasoning of the decision, the applicant’s claim that she experienced mistreatment from her uncle and his family was accepted in terms of internal credibility, and domestic violence is a phenomenon that occurs in Pakistan”.*

Her accounts regarding this claim were found credible but rejected as unfounded because:

*“The mistreatment described by the applicant was limited to verbal abuse and certain punitive acts and did not reach the level of physical or sexual abuse so as to raise an issue of the need for her protection.”*

As regards her second claim that her uncle wanted to sell her and marry her off, this was not accepted in terms of internal credibility, since the committee considered that:

*“The applicant was not sufficiently detailed or specific in her statements, nor did her descriptions refer to lived experiences with reference to concrete factual incidents from which a risk of being forced into marriage upon return to her country of origin could be established”.*

However, in her interview, she clearly described the risk she was facing:

*“ What was his problem? What did he want?*

*- He wanted them to hand us over to him so that he could do whatever he wanted with us—sell us, keep us, force us to work, beat us... whatever he wished.*

*- Sell you? Why? What would have happened?*

*- Once or twice, he was on the phone when he received a call. He said, “Do you want the girls? I will give them to you if you want.” At the time, we did not understand what he meant or what he was talking about.*

*- When did you realise that he wanted to sell you?*

*- We found out because he would come and speak with our aunt and tell her, “Why don’t you understand? I have many debts on my head, and I will marry them off.” He said that we would be happy there and that he would repay his debts, but he wanted to take us to Lahore.*

*- Why did he want to take you to Lahore?*

*- He said he owed money to a person who lives there and that he would marry us off there, his debts would be settled, and we would be happy and work there. When they caught us in K(...) and brought us back to his house, whenever one of his friends came over, he would tell us to offer them water. These friends would look at us strangely, and when we gave them water, they would touch us and ask us to sit next to them. Our uncle agreed to this and told us to sit with them, saying they were like our uncles. But they looked at us in a different way; they touched us from head to toe without our consent. At that moment, we understood that our aunt had been telling the truth.”*

After seven years, M.M. is still fighting to get international protection and live safely with her sister, who is

a recognised refugee in Greece. She submitted an application for provisional measures, under which she is currently protected until her application for annulment is examined.

M.S., 27 years old, arrived in Greece in 2019, fleeing forced marriage and the imminent threat of an honour killing in Pakistan. Although the authorities deemed her account *credible*, her claim was rejected as *unfounded*, as authorities held that the violence she had suffered at the hands of her family was not severe enough to make her fear for her life “credible and likely”. Her appeal was rejected with the very same reasoning.

*“The acts of violence described by the applicant did not reach such a level of severity as to make her fear credible and likely. Moreover, she had not sought protection from the police, assuming it would not act, nor had she consulted a lawyer.”*

Although from the international sources cited in the contested decision it emerged that women who marry a partner of their own choice, against the will of their family, are subjected to abuse and may become victims of honor crimes, and although the state mechanism and the police are particularly unable to effectively protect women, the Appeals Committee nonetheless concluded that the applicant’s fear of being at risk from her family upon returning to Pakistan was neither well-founded nor justified, reasoning that she could receive effective state protection.

Refusing to give up, she filed an application for annulment. The court accepted her application, recognising that the previous decision lacked legal justification. Her case was referred back to the second instance, which finally granted her refugee status, five years after her arrival.

### 6c) Forced marriage is a private matter

It is common for an asylum application to rely on multiple, cumulative grounds of persecution. In the following case, the applicant is a national of Somalia, and Turkey is deemed a safe third country for her, thereby placing the burden on her to rebut that presumption. Additional concerns arise in assessing her claim. The applicant experienced difficulty disclosing that she had undergone female genital mutilation (FGM), as well as describing the continuing impact on her health, due to the presence of a male interpreter during the interview. Consequently, she relied primarily on a medical certificate to substantiate this aspect of her claim. However, this document was neither examined by the Committee nor referenced in the decision. Moreover, the rejection decision reflects a stereotypical and unduly restrictive approach, particularly in characterising forced marriage as a “*private matter*” excluded from consideration in the refugee status determination process. Such reasoning is incompatible with a gender-sensitive interpretation of the Refugee Convention, under which the risk of forced marriage may amount to persecution and therefore requires a thorough, individualised, and substantive assessment.

M.F. applied for asylum in 2023. Her application was rejected on the grounds that Turkey is considered a safe third country for her, without being able to further express the grounds of persecution in Somalia related to FGM and the high risk of forced marriage, both from her father or being abducted by Al Shabaab.

*“In my country of origin, I have been subjected to gender-based persecution through being forced to undergo female genital mutilation and through an attempted forced marriage. There is a well-founded and justified fear of persecution in the event of my return to Somalia, since, on the one hand, the first form of persecution constitutes a practice that may be repeated in the future, particularly if I have children, and, on the other hand, it is certain that I will be forced into marriage. Like all women in my country of origin, I will be forced into marriage, either by any member of my family who becomes aware of my return, or even by members of the organisation Al-Shabaab, who are known to abduct unmarried women and force them into marriage.”*

*“During this interview, under the conditions in which it was conducted, I was not in a position to present the main reason for my persecution in Somalia, namely that I was subjected to female genital mutilation and that I fear the repetition of this practice, as is customary in my country of origin. This was because the interview was conducted remotely and included a male interpreter. However, this element was known to the Committee, both through my medical card and through the psychosocial report prepared by the psychologists of the National Public Health Organisation (EODY), which is included in my administrative file.”*

The appeals authority ruled that Turkey is not a safe country for her but rejected her application on the grounds that the high risk of forced marriage does not suffice to substantiate a well-founded ground for international protection, as they concern a purely private dispute.

*“The Committee observes that the factual circumstances invoked as the reason for which she left her country of origin and does not wish to return cannot be corroborated by available international sources, as they concern a purely private dispute. (...) In particular, the applicant described her story in detail and in a credible manner. The above-mentioned claims regarding a forced marriage are confirmed by the available sources cited above. However, in assessing the existence of an objective fear, the Committee does not accept the applicant’s claim that, in the event of her return to Somalia, she would be forced by her father to marry. This is because the applicant did not describe incidents directed against her of such frequency and intensity as to indicate a high level of risk to her life or physical integrity. Therefore, it is considered that the establishment of the objective element of fear cannot be substantiated, as this fear is assessed to fall more within the sphere of her personal perception.*

\*(Case file of M.F.)

#### **6d) FGM claims - past incident not a ground for persecution**

Women who have undergone [FGM](#) in their country of origin may rely on this experience as evidence of past persecution linked to one of the grounds of the Geneva Convention. In such cases, past persecution should give rise to a presumption of a well-founded fear of future persecution unless there are strong reasons to believe that the risk will not recur. In practice, however, the Greek Asylum Service often fails to apply this approach.

Claims related to FGM are frequently rejected on the basis that the harm occurred in the past and therefore does not amount to a current risk of persecution. Decision-makers often fail to properly assess the risk of recurrence, particularly in contexts where FGM remains widespread and where women who resist the practice may face severe social pressure, violence, or exclusion.

Decisions also rely on problematic assumptions, such as the expectation that women could simply refuse the practice if it contradicts their personal beliefs, ignoring the strong cultural, familial, and community pressures that make resistance extremely difficult in practice. At the same time, the long-term physical and psychological consequences of FGM are often disregarded. This reasoning overlooks the fact that FGM constitutes a severe form of gender-based violence and has been widely recognised as a form of torture and continuing persecution.

F.H. is a single woman from Somalia, a survivor of repeated female genital mutilation (FGM). Her asylum application was initially rejected as unfounded. However, her story below supports her very well-founded fear of multiple persecutions. She appealed the first-instance rejection decision, and the Appeals Committee, after re-examining her accounts, granted her refugee status.

*“The family was attacked by Al-Shabab, during which her 10-year-old son was killed. Her husband was at risk of forced recruitment by Al-Shabaab and fled the country. Following his departure, she was threatened with forced marriage to an Al-Shabaab member. She fled Somalia after suffering gender-based persecution, including FGM, recognised under international and European jurisprudence as a form of torture, and escaping a forced marriage imposed by an armed extremist group. She also*

*faces a continued risk of persecution by Al-Shabaab on the basis of imputed political opinions and religion. As a woman alone with no support network, her return to Somalia would expose her to renewed gender-based violence, extreme destitution, and conditions amounting to inhuman and degrading treatment, in a country marked by widespread and indiscriminate violence between armed groups.”*

The following case serves as a compelling case study, highlighting many of the complexities and shortcomings of the asylum procedure. Specifically, the applicant's initial asylum claim was rejected as unfounded at both first and second instance. Because certain issues had not been raised during the initial procedure, she subsequently submitted a new asylum application. However, this subsequent application was dismissed as unfounded. Regrettably, the court upheld this approach, concluding that the examination at first and second instance had been adequate and that the rejection was lawfully justified. The applicant's account, however, clearly demonstrates the opposite.

A.K., 39 years old, fled her country of origin, the Ivory Coast, in 2018, was subjected to FGM, and she was forcibly married at the age of 16 to an older man, as his fourth wife. She had experienced various forms of domestic violence. She was infected with HIV from her husband. After his death, she was forced to marry his younger brother. She was further marginalised and harassed due to her medical condition. Currently, she suffers from severe medical and mental health issues. Her application was rejected as unfounded.

In 2021, she submitted a subsequent asylum application. Even though she was found to be admissible as there were new elements regarding the violence she had experienced, her second application was again rejected on the first and second instances as unfounded.

*“(a) the applicant’s allegations that she suffered extreme social exclusion due to her illness (HIV) and that she has limited access to healthcare services in her country as possible grounds for persecution, had already been raised in the initial application for international protection and had been examined and rejected, both at first instance and on appeal, (...) b) the applicant’s subsequent application (...) was admissible in terms of the grounds of sexual abuse and genital mutilation, which she had only briefly mentioned during her initial interview, c) However, the mere fact that the applicant did indeed suffer domestic violence and sexual abuse by her ex-husband, as well as genital mutilation at the age of 10 – the relevant claim having been found to be credible – does not constitute grounds for her prosecution, since she is already a widow and has given birth to three children, it is not expected, nor does she herself claim, that she will again suffer genital mutilation, to which her family subjected her in her childhood, as the practice of second mutilation is not confirmed by the references in the international sources cited in the same decision. Therefore, there is no reasonable likelihood that she would suffer such treatment if she were to return, and thus face a risk related to it, or persecution in general, connected with any of the limited grounds specified in the Convention (race, religion, political opinion, nationality, membership of a particular social group), nor is there any reasonable prospect of a real risk to her life and physical integrity, and her fear cannot reasonably establish to a reasonable degree, that her return and stay in her country of origin would be unbearable due to her previous mutilation and abuse; in addition, it is pointed out that she could settle in another part of her country of origin, since there is no indication that she would be located and harmed if she moved there, with the result that her settlement there would meet the criterion of reasonableness (...).”*

Regrettably, the court in its recent decision confirmed the Appeals Committee decision and rejected the application for annulment, even though the rejection decision did not take into account her claims of domestic violence and did not assess whether she could qualify for protection on this very same ground. On the contrary, it stated that she can be settled in another part of the country of origin without examining the feasibility of such an option and her overall medical and mental health condition.

After six years in Greece, she is stuck in a legal limbo and still struggling to have her asylum application properly assessed.



## 6e) Lack of understanding of cultural matters and lack of information on the country of origin

This case illustrates the consequences of insufficient consideration of cultural and social dynamics in assessing asylum claims, particularly regarding clan structures in Somalia. Somali society is deeply shaped by a complex clan system, in which family honour, lineage, and clan affiliation play central roles in social relations and marriage practices. Marriages between individuals belonging to different clans, especially between members of dominant and minority clans, can lead to severe social repercussions, including threats, violence, and exclusion from family and community networks.

The applicants, spouses, and nationals of Somalia applied for international protection. Upon registration of their application, they stated that they did not wish to return to their country of origin because the second applicant (the wife) belongs to a dominant clan, whereas her husband, the first applicant, belongs to a minority clan. Her family did not approve of their marriage; they subjected the first applicant to torture and threatened to kill them, which prompted their departure.

The above application was rejected as unfounded on the grounds that the fear they invoked upon their return to their country of origin was neither well-founded nor justified.

\*Casefile of S.O.M.

## 6f) Require survivors of domestic violence to initiate legal proceedings

Another recurring issue concerns the expectation that survivors of domestic violence must initiate legal proceedings against the perpetrator for their claims to be considered credible. Asylum authorities often argue that applicants failed to seek protection from police or judicial authorities in their country of origin and therefore did not exhaust the available avenues of state protection. This reasoning overlooks the structural barriers survivors face, including fear of retaliation, social stigma, economic dependence, and the lack of effective protection mechanisms. A similar approach is observed in cases where women already in Greece seek to submit a separate asylum application due to domestic violence within the family, as they are often expected to first file a criminal complaint against the abusive partner. Such expectations impose an unrealistic burden on survivors and fail to take into account the particular vulnerabilities and constraints they face.

A.A.J. is a single mother from Iraq, survivors of domestic violence. Her asylum application was wrongfully rejected. Excerpts of her interview:

**“Asylum Office caseworker:** *Have you taken any legal action with a lawyer in order to obtain a divorce?*

**Survivor:** *No.*

**Asylum Office caseworker:** *Why haven't you done that yet, given that a considerable amount of time has passed?*

**Survivor:** *I have no need for a divorce, since he left me and disappeared.*

**Asylum Office caseworker:** *Legally speaking, if you returned and initiated such a procedure, would things be better for you and your daughter?*

**Survivor:** *The law does not protect me from the tribes, and the law does not intervene in family matters. If I file a lawsuit or something like that, it means they will kill me, and then they will take my daughter.*

**Asylum Office caseworker:** *What makes you fear that they will kill you? On what do you base this belief?*

**Survivor:** *These are our customs. A woman cannot live alone. They do not allow her to live on her*

*own—she must be killed. It is considered a shame; for us, it is shameful and forbidden.*

**Asylum Office caseworker:** *Have you seen this happen? Do you know of a woman who was killed for this reason?*

**Survivor:** *This issue is very widespread; there are many such cases. Generally, any woman who leaves her parents' or husband's house is caught and killed. Recently, a woman left her husband's house—they caught her and killed her. These are our customs.*

**Asylum Office caseworker:** *Based on what you told me earlier, I understood that your own family would not have a problem with you returning to them. What makes you believe they would treat you in such an oppressive way, as you described, and that you would have no rights? Where does this fear come from?*

**Survivor:** *These are our customs. In Iraq, if a woman leaves her husband, or vice-versa, and she lives alone, she returns to her parents' house and is placed under oppression. She has no rights.*

**Asylum Office caseworker:** *In Iraq, since he left you, could you take any legal action to claim custody of your child and your rights?*

**Survivor:** *Legally, yes, but religiously, no."*

She submitted a subsequent application which was again rejected. She appealed against this decision and she was finally granted refugee status.

#### 6g) Require survivors to prove that they cannot receive state protection

Another recurring issue concerns the expectation that survivors must prove that they cannot receive protection from the authorities in their country of origin. Under international refugee law, harm inflicted by non-State actors, such as family members, partners, or community members, can constitute persecution when the State is unable or unwilling to provide effective protection. However, in practice, asylum authorities often place an excessive burden on applicants to demonstrate that they sought assistance from police or other state institutions before fleeing. This approach overlooks the fact that, in many contexts, survivors of gender-based violence face systemic barriers when attempting to access protection, including discriminatory laws, ineffective enforcement, social stigma, and the risk of further violence or retaliation. The following case is such an example.

S.F, a 32-year-old single female applicant from DRC, arrived in Greece in 2023 asking for international protection as a survivor of GBV and a victim of human trafficking. She is a victim of repeated rape since the age of 15 in her country of origin and systematic sexual abuse by her stepfather. She was raped several times during her effort to reach safety. She suffers from serious medical issues and mental health issues with post-traumatic stress disorder. Her accounts were found to be *credible*, but her application was rejected both at first and second instance as *unfounded* on the grounds that:

*"A well-founded and justified fear of persecution is considered not to be established, for two reasons: first, because the applicant never approached the police authorities of her country of origin, whose effectiveness—also in light of elements of her personal profile (race, religion, etc.)—did not reveal any reason why they would be unwilling or unable to protect her; and second, because the applicant had a support network in the Democratic Republic of the Congo, specifically her uncle, who had assisted her in the past."*

With the support of ELA, she submitted an application for annulment. The Court accepted her claim, ruling that the previous decision lacked proper legal reasoning. More specifically, the court ruled that:

*"This assessment by the Appeals Committee regarding the effectiveness of the police authorities is not*

*only unsupported by the international information cited by the Appeals Committee itself and referred to in the preceding reasoning, but is directly contradicted by it, given that, as emerges from that information, a large number of cases of domestic and sexual violence are never reported to the authorities due to prevailing social attitudes, as well as the authorities' lack of effectiveness."*

The case was sent back to the second-instance appeals authority for reexamination and a lawful justification. The final decision is still pending. In 2026 she was finally granted refugee status.

## 6h) Arbitrary nationality determination

Nationality is a core element of an asylum claim and must be [assessed](#) through evidence and credibility analysis. Since 2023, alarming [field evidence](#) has shown that the Greek authorities and/or Frontex are wrongfully registering applicants' nationalities. This has been observed for Palestinians, registered as Syrians, stateless people belonging to the Bedoon ethnic group, registered as Iraqis, people from Yemen registered as Somalis, etc. Although widespread, the practice appears to target Eritrean nationals in particular, who are misclassified as Ethiopian during their initial screening. Individuals whose nationality has been wrongfully registered may be denied protection based on country conditions that are not relevant to their actual experiences. Those whose "declared" and "estimated" nationalities do not match are frequently rejected as "not credible" within minutes of their asylum interview, leaving them with almost no opportunity to have their protection needs properly assessed.

M.H. is a single young woman born in Eritrea and raised in Ethiopia, where she didn't have access to legal documentation due to the longstanding dispute between the two countries. She is a survivor of GBV and labour exploitation. Her application was rejected on the grounds that she didn't manage to prove that she is Eritrean, thus her claim was considered non-credible.

*"Furthermore, although she claimed that she was subjected to discrimination by locals because of her Eritrean origin, she did not mention specific incidents of discrimination for this reason. The applicant described incidents of labour exploitation and sexual abuse in the household where she worked as a domestic worker from the age of 11 for a period of three years, but she was unable to link these incidents to her national origin."*

*"Once again, the applicant did not explain in greater detail the connection between the labour exploitation and her national origin, as the difficulties mentioned by the applicant could have been faced by any person in a vulnerable situation, including Ethiopian nationals".*

*"In conclusion, since the applicant's account was general in nature, the answers she provided to the clarifying questions were vague, and the incidents she describes could concern Ethiopian citizens without legal documentation, doubts arise regarding the applicant's claim that she was born in Eritrea, holds Eritrean nationality, and that she was living irregularly in Ethiopia and faced problems as a person of Eritrean origin."*

She appealed against the rejection decisions only to be rejected for a second time with the same justification.

## 6i) Turkey is a safe third country for you

Since 2016, Greece has implemented and expanded the '[safe third country](#)' concept.<sup>29</sup> From 2021 onwards, applicants from Syria, Afghanistan, Pakistan, Bangladesh, and Somalia who entered Greece via Turkey may be subject

<sup>29</sup> Article 91 Greek Asylum Code; [JMD 42799/2021](#), designating Turkey as a safe third country for asylum seekers originating from Syria, Afghanistan, Pakistan, Bangladesh and Somalia. In 2022, a JMD designated Albania and North Macedonia as safe third countries for all asylum seekers entering Greece through common borders with these countries regardless of their nationalities. See also RSA & PRO ASYL, [The Concept of "Safe Third Country": Legal Standards & Implementation in the Greek Asylum System](#), February 2024.

to an additional procedure, known as admissibility procedure, which determines access to an in-merit examination of their asylum claim. Survivors of GBV must prove that Turkey was unsafe for them on an individual basis. Failure to do so may result in their return to Turkey, a prospect made especially concerning by Turkey's withdrawal from the Istanbul Convention in March 2021.

These provisions appear to undermine the obligation to conduct an individualised assessment to determine whether the safety criteria are met, thereby contravening both the Qualification Directive and international law. Additionally, Turkey has not been accepting readmissions since 2020, meaning that none of the applicants rejected on admissibility grounds have ever been “legally” returned. This has led to a Kafkaesque situation, as rejected asylum seekers are stuck in a legal limbo, without their asylum claim related to their countries of origin ever being heard.

It is also noteworthy that this admissibility procedure is applied to the nationalities corresponding to the largest contingent of asylum seekers in Greece, which have high recognition rates. This procedure has affected over 50% of all asylum applications submitted in Greece each year since 2022.<sup>30</sup> Among the 82 survivors supported by ELA, 22 were subjected to it.

R.J. is a single woman from Somalia. She was a domestic worker and fled her country with the family she worked for. In her first application, she was not asked about the reasons for fleeing her country of origin, because for applicants for international protection who came to Greece through Turkey, Turkey is considered a safe third country. So she had to pass the admissibility interview and the examination of whether Turkey was a safe place for her. During her interview:

*“She claimed that she went to Turkey with this family, that they did not treat her well, and in particular that since they arrived in Turkey, they took her passport, did not allow her to leave the house, and made her work all day with only six hours of rest at night when she was able to sleep. They made her sleep in a storage room and woke her by throwing water on her. They beat her, and on two occasions, they beat her so severely that she was injured. She also claimed that during the time she was there, they did not honour the agreement they had made with her mother and the woman, the “marketing lady,” and that they never sent money to the applicant's mother nor helped her to attend school in Turkey or find another job.*

*In addition to the above, the applicant claimed that shortly after they arrived and settled in Turkey, a Turkish man, approximately 30 years old, began visiting them very regularly and sexually harassed her. Whenever she reported this to the family, they would beat her, telling her that he was a grown man and that it was impossible for him to have done such a thing, until one day this man attempted to rape her. The applicant reported this to the family, who, as on previous occasions, beat her severely, causing her injury, and she subsequently received no medical care. A few days after the attempted rape, the applicant heard one of the women in the family saying on the phone that they intended to sell her to the owner of the house in exchange for the house in which they were living.”*

Her application was rejected as inadmissible. In the rejection decision, it is stated that:

*“No indications emerged of the existence of a risk to the physical integrity and personal liberty of the appellant, or that she would be subjected there to any form of persecution on the grounds of race, religion, nationality, ethnic origin, political beliefs, or membership in a particular social group. This is because the appellant did not invoke incidents involving threats to her life or freedom on the grounds of race, religion, nationality, membership in a particular social group, or political beliefs during her stay there, nor any element from which it could be inferred that she would face such a risk in the future.”*

She submitted a subsequent application, which was found admissible after the examination on the merits she was granted refugee status.

<sup>30</sup> According to the [data and statistics](#) published by the Ministry of Migration and Asylum, in 2024, 57% of asylum applicants were from Syria, Afghanistan, Pakistan and Somalia.



F.E., a 33-year-old single woman from Somalia, mother of seven children, submitted her application in August 2023 and received a negative decision on admissibility a month later, noting that Turkey is a safe country for her and that she should be readmitted. The appeal was also rejected without being able to present the reason for fleeing Somalia.

*“I have, in fact, undergone FGM eight times - once during my childhood and another seven times after the birth of each of my children. The multiple FGM procedures I have undergone have caused me chronic and serious health problems.”*

She stayed in Turkey for 15 days without any supportive network there. The asylum authorities didn't justify the link established between the applicant and the third country.

*“Additionally, in this case, the link of the application with the third country, in the sense of para. 1 of article 91 of L. 4939/20266 can be considered sufficient, as the transit of the applicant from Turkey, combined with other circumstances that concern (such as among other things, the time of her stay in it or the fact that the country she is located near her country of origin) are data based on which it may be considered reasonable for her to switch to it. Besides, it has been decided that it is not the creation of a strong life relationship and a real state of worth is required protection in order to establish the fulfilment of said criterion.”*

*“There is no risk of serious harm to the applicant within the meaning of Article 14 of L. 4939/2022. The applicant did not specifically plead that she is likely to be exposed to risk of damage of a specific form, but also no risk of serious damage arose for the applicant in view of her personal circumstances and current situation in Turkey.”*

A year after she submitted a subsequent application, she was finally granted refugee status.

\*Case file of F.E.

## 6j) Your country is a safe country

Additional procedural obstacles are imposed on asylum seekers based on their country of origin or the transit countries they have passed through before reaching Greece, thereby minimising the chances of a fair procedure.

Applicants from “[safe countries of origin](#)”<sup>31</sup> are subjected to accelerated procedures<sup>32</sup> with shorter deadlines and offer fewer procedural guarantees, which often results in swift rejections. Broadly speaking, a person from a so-called safe country is presumed not to have a well-founded claim to asylum in the absence of proof to the contrary. Therefore, the burden of proof is increased, as the applicant must rebut this presumption.

This is particularly detrimental for applicants who are survivors of GBV. It is important to emphasise from the outset that states should be strongly dissuaded from applying the concept of a ‘safe country of origin.’ As highlighted by the [European Council on Refugees and Exiles](#) (ECRE), labelling a country as safe from the outset can consciously or unconsciously bias decision-makers, leading to asylum claims being examined less thoroughly.

According to the law, a country shall be considered a “safe country of origin” if, on the basis of legislation in force and of its application within the framework of a democratic system and the general political circumstances, it can be clearly demonstrated that persons in these countries do not suffer from persecution, generally and permanently,

31 According to para 5 Article 92 Law 4939/2022 every year the respective Ministries are updating the [list of safe countries of origin](#). As of December 2024 this list included 18 countries: Egypt, Albania, Algeria, Angola, Armenia, Georgia, Gambia, Ghana, India, Morocco, Moldova, Bangladesh, Benin, Nepal, Pakistan, Senegal, Togo, Tunisia.

32 Article 88 Asylum Code.

nor torture, inhuman or degrading treatment or punishment, nor a threat resulting from the use of generalised violence in situations of international or internal armed conflict. To designate a country as a “safe country of origin”, the authorities must take into account inter alia the extent to which protection is provided against persecution or ill-treatment through the examination of the relevant legal and regulatory provisions of the country and the manner of their application. This practice risks undermining the very purpose of the asylum procedure, which is to ensure an individual, fair, and objective assessment of each applicant’s need for protection, based on current human rights conditions in the country of origin and the applicant’s personal circumstances, not on generalised assumptions about safety. The scale of this procedure should not be underestimated: of the 82 survivors represented by ELA, 12 are from “safe” countries, including Albania, Gambia, Ghana, Morocco, Nepal, Pakistan and Senegal.

## 7. Subsequent applications

After a final decision has been taken on a previous application for international protection, the applicant can submit a [subsequent application](#). For a subsequent asylum application, the applicant must present new evidence or information that could affect the overall assessment of their application for international protection. Subsequent applications are examined in two steps. First, a preliminary admissibility procedure is conducted to assess whether the presented elements are new. Only after a positive outcome on admissibility, the subsequent application will be examined on the merits.

**“Asylum Office caseworker:** *At this point, I would like us to discuss the new asylum application you submitted to the Service and the reasons you do not wish to return to your country of origin. I would like to ask you not to refer to the reasons for your previous application at all, as they have already been examined and rejected at the second instance. Please focus only on the new elements you wish to present today with the new application.”*

*(Excerpts of A.A.J. subsequent application interview)*

New elements may pertain to facts that had not yet occurred, or that could not be presented during the examination of the previous application at first instance or on appeal due to circumstances beyond the control of the applicants. In practice, the Asylum Service appears to disregard the latter elements in breach of the Council of State decision,<sup>33</sup> which ruled that when evidence is crucial, it must be taken into consideration even if it is not newly emerged. Despite this, both the Asylum Service and the Appeals Authority generally fail to apply the Council of State’s jurisprudence and the [EUAA’s guidance on subsequent applications](#). The outcome of this approach is that subsequent applications have consistently faced high rejection rates (over 60%) at both the first and second instance.<sup>34</sup>

The following case is such an example:

C.D., survivor of GBV (rape in her country) from DRC, arrived in Greece with her family in 2020. In Greece, she suffered domestic violence from her husband. Now a single mother of 4 minors, she lives in a women’s shelter. Her application was rejected at the first and second instance. She submitted a subsequent application, which was also rejected on the grounds that it did not present new elements. However, as she stated in the application for annulment:

*“As stated in the record of my subsequent application, I reported that I had been subjected to repeated sexual violence at the age of 14 by my cousin. When my aunt, who raised me, discovered this, she forced me to marry my current husband. In 2019, during a raid by soldiers on our home, two of them*

<sup>33</sup> Council of State 3376/2001.

<sup>34</sup> Greek MoMA [Data and Statistics](#). In 2022, 8,265 subsequent applications were submitted, with 4,144 (50%) rejected as inadmissible and 2,708 rejected again at the second instance. In 2023, there were 6,321 subsequent applications and 4,257 (67%) rejected and 2,131 rejected again at the second instance. In 2024, 4,487 subsequent applications were filed, with 3,037 (65%) rejected and 1,693 rejected again at the second instance. In the first half of 2025, 3,574 subsequent applications were lodged, with 1,965 rejected (55%) and 649 rejected again at the second instance.

| *also raped me.”*

The subsequent application was rejected because it was considered that she could have mentioned those elements during the initial application, as she was interviewed together with her husband and couldn't disclose those incidents in his presence. In her own words:

*“I was unable to disclose these incidents during the registration of my initial application because, with regard to the first incident, my estranged husband is unaware of it, and I was still overwhelmed by feelings of shame and fear at the thought that he might find out. Furthermore, the presence of a male interpreter during the interview significantly affected the extent of the information I was able to provide, as it also contributed to my inability to disclose this traumatic experience. Regarding the second incident —the rape by two soldiers— I did not disclose it during the registration of my initial application because my estranged husband demanded that I not mention it, as he felt ashamed of me. As a result of his pressure, as well as my own emotional state, I ultimately did not disclose to the Asylum Service the sexual violence I had suffered in my country of origin.”*

The case is currently pending before the Administrative Court on the application for annulment of the decision rejecting her subsequent application.

Moreover, additional financial obstacles are hindering rejected applicants from submitting a subsequent application. Following a 2021 reform, applicants were required to pay a fee of €100 per person from the second subsequent application onwards.<sup>35</sup> However, at the time of drafting this report, the fee required per person for a second subsequent application has risen to the extreme amount of €300(!).<sup>36</sup>

Survivors of GBV face significant challenges in having their experiences properly heard and assessed during subsequent applications. On the one hand, when they fail to disclose such experiences in their first application, often due to inadequate support, lack of trust, or the absence of safe conditions in which to share sensitive information, subsequent applications are frequently dismissed on the grounds that the claim could have been raised earlier. On the other hand, even when applicants have raised GBV-related claims during their initial applications, it often occurs that the claim is not actually evaluated or reflected in the final decision. Despite this, the authorities will argue that these claims have already been examined.

On a practical point, as mentioned above, the registration of subsequent asylum applications is often conducted under conditions that fail to ensure privacy, dignity, and effective communication. In many cases, applicants are interviewed in spaces that lack basic confidentiality, sometimes in open areas or alcoves without doors. Such settings are wholly inappropriate for individuals to speak freely about sensitive experiences, including incidents of gender-based violence. Poor acoustics often force applicants to raise their voices and repeat themselves, further undermining confidentiality and exacerbating their distress. These conditions not only compromise the integrity of the asylum procedure but also risk re-traumatizing individuals who have already experienced violence and displacement.

ELA has supported 17 survivors of GBV with a subsequent application. During the admissibility examination, nine received a positive decision and

35 Article 94 §10 of the Asylum Code, under joint ministerial decision no. 472687/2021.

36 Article 34 of the Return Act Law 5226/2025.



were referred for examination on the merits (eligibility), three were rejected, and three are still pending. After the examination on the merits, five received a positive decision granting either refugee status or subsidiary protection; four were rejected again; and three are still pending.

Below are the stories of three survivors whose subsequent applications were found admissible and whose cases were examined on the merits. Unfortunately, the first two cases were rejected again during the admissibility interview. The third one is still pending.

M.J., a single woman from Sierra Leone, arrived in Greece in April 2024, was pregnant during her application, and gave birth. Her initial claim concerned her refusal to join a mystic organisation prevalent in Sierra Leone. Her application was rejected a few months later when she was a single mother of 2 toddlers. She appealed the decision, which was again rejected. She submitted a subsequent application.

M.J. was a victim of human trafficking in transit, a victim of FGM in her country of origin and in danger of being subjected again to FGM if returned to her country of origin because she gave birth. However, she couldn't disclose those experiences in her first application as she stated that:

*"No, because the woman who took me from Sierra Leone and forced me to have sexual relations with men made me tell the story that I said in my first statement."*

During the registration of her subsequent application, she mentioned that:

*"The woman who brought me to Turkey put me in a house and forced me to have sexual relations with men. If I return to Sierra Leone, this woman's people will kill me. Also, my uncle (he is not my biological uncle, but he raised me) and his wife forced me to undergo FGM. If I return, they will force me to undergo FGM again because I gave birth to two children."*

With the support of a Lawyer collaborating with ELA, her subsequent application was considered admissible due to the new elements. However, during the eligibility interview and the case examination on the merits, the asylum office once again rejected her application. She appealed against the rejection decision, and her case is still pending.

Excerpts from the decision on the subsequent application

A.A.J. is a single mother from Iraq. She arrived in Greece with her husband. Their application was rejected at both first and second instance. They submitted a subsequent application, which was again rejected. After a while, her husband abandoned her and their minor daughter, and she submitted a second subsequent application. During this third application, she managed to disclose that she had suffered domestic violence, but could not mention it during the previous applications, out of fear of retaliation from her husband.

*"The Service considers this element to be new, as the composition of the applicant's family has changed from the initial and first subsequent application—where two spouses were living together with their minor child—to the second subsequent application, where she lives alone with her minor daughter following her husband's abandonment. As regards the legal requirement as to whether this element is also essential, the Service finds that it is essential, since the current family composition (a single-parent household with a minor child) affects the assessment of the application for international protection (...)."*

*"The applicant stated that in the past she has been subjected to physical and sexual violence, abusive behaviour, and threats to her own life and that of her daughter. This element (violence) is considered by the Service to constitute a new element, as it is submitted for the first time to the examining authorities. As regards whether this element is also essential, the Service finds that it is material, since it affects the assessment of the application for international protection and is linked to the conditions set by the legislation for the granting of international protection, in particular Article 1, paragraph (ia) "applicants*



*with special reception needs” and Article 1, paragraph (lg) “vulnerable persons” of Law 4939/2022.”*

*“In her second subsequent application, the applicant states that, following the abandonment of both herself and her minor daughter by her husband and father, in the event of their return, they would face a risk of discrimination with a direct impact on their lives and family unity. This element (discrimination) is considered by the Service to constitute a new element, as it is submitted for the first time to the examining authorities and did not exist at the time of the examination of the initial and the first subsequent application. As regards whether this element is also essential, the Service finds that it is essential, since it affects the assessment of the application for international protection and is linked to the conditions laid down in the legislation for the granting of international protection, in particular Article 4 “international protection needs arising sur place,” paragraph 1(a), Article 8 “acts of persecution,” paragraph 2(f), and Article 9, paragraph 1(bb) “grounds of persecution” of Law 4939/2022.”*

With the support of a Lawyer collaborating with ELA, her subsequent application was considered admissible due to the new elements. However, during the eligibility interview and the case examination on the merits, the asylum office rejected her application for the third time. She appealed against the rejection decision and was finally granted refugee status.

F.O., a single woman from Eritrea, had moved to Ethiopia at the age of two, a survivor of SGBV in Ethiopia and victim of human trafficking/labour exploitation, arrived in Greece in 2023. Her application for international protection was rejected as unfounded because the Greek authorities didn’t accept her claim that she is from Eritrea; they concluded that her estimated nationality is Ethiopian and thus rejected her application.

*“The applicant during registration. According to the Verification Report of 5-9-2023 by the Reception and Identification Service of the Closed Controlled Facility of Lesbos, it was determined that the applicant’s estimated nationality is Ethiopian. The applicant insisted that her nationality is Eritrean.”*

Her claims of violence suffered in Ethiopia were never assessed since she was not considered credible. He appealed against the rejection decision, only to receive a second rejection with the same justification.

*“By decision no. (...) 23-8-2024 of the Appeals Authority, the Committee did not accept the applicant’s claim that she is of Eritrean origin, and the statements she made regarding discrimination against her on the basis of that origin were not accepted as credible”*

She came to ELA to submit a subsequent application. The application was found admissible as new elements were presented (e.g., a mother’s ID proving her Eritrean Nationality, additional reports and documents) and additional reports on her vulnerabilities. The decision on the subsequent application states that:

*“From the submitted psychosocial history report, it appears that the applicant claims to be a victim of human trafficking, a victim of labour exploitation, a victim of violence, and a victim of sexual abuse from a very young age. Although these elements are reflected in the record of her personal interview, they have been documented by the specialised scientific team within the accommodation facility at the present time, have not been examined in the previous procedure, and therefore constitute new evidence.”*

With the support of a Lawyer collaborating with ELA, her subsequent application was considered admissible due to the new elements. The examination of her application on the merits is still pending.

## 8. Breaking the continuum of violence

The Greek asylum system, as currently implemented, fails to uphold its legal and moral obligations toward survivors of GBV. Instead of serving as a gateway to safety, the system too often becomes a continuation of the very violence, coercion, and invisibility survivors are fleeing. These failures are not isolated errors; they are structural. They stem from policy choices that prioritise deterrence over protection and efficiency over fairness.

The experiences of GBV survivors highlight the urgent need for gender-sensitive asylum systems, effective protection, and reforms that tackle both immediate risks and the structural causes of vulnerability. Only a holistic response that addresses intersecting forms of violence can ensure real safety and dignity for survivors. These experiences call for urgent support and further highlight the essential role of legal aid providers in upholding access to justice, promoting gender-sensitive asylum procedures, and protecting the rights and dignity of refugee women and survivors of GBV.

Yet, due to funding cuts, new global policies, ongoing humanitarian crises, and rising xenophobic national policies, civil society in Greece continues to shrink even as needs continue to grow. Currently, in Northern Greece, a region that hosts more than 10,000 asylum seekers, there are only five NGOs with a total of ten lawyers. It is the lowest capacity in years. This is the case even though ELA's experience demonstrates that applicants who receive professional legal assistance are far more likely to have their claims properly examined and fairly decided.



## 9. Recommendations

Asylum authorities should recognise gender-based violence as persecution. Only by confronting these systemic failures can we break the continuum of violence and ensure that protection in name becomes protection in practice.

Based on the analysis presented in the previous sections, the following recommendations aim to address key gaps in protection and to address these systemic failures. Adopting the measures set out below is crucial both for ensuring compliance with legal obligations and for strengthening the protection of survivors of gender-based violence.

### Reception Conditions

- **Adequately trained (female) staff for the screening procedure and identification**

*For cultural and psychological reasons, women and girls often feel safer and more at ease speaking with female staff about their experiences and personal circumstances, which facilitates the disclosure of information needed to assess their specific needs. It is therefore essential that women and girls are registered by properly trained personnel who understand the particular risks they face. This enables the timely identification of individuals with heightened protection needs, including survivors of violence or sexual abuse, victims of human trafficking, women with serious health conditions such as HIV/AIDS, and female heads of households, and ensures their access to appropriate reception conditions.*

- **Increasing safety for women and girls in refugee camps**

*Female asylum seekers should have access to dignified and secure accommodation, including in camp settings. Housing should provide lockable living spaces and separate areas from mixed populations, along with an adequate number of gender-segregated toilets and showers with running water available at all times. Women should also receive sufficient hygiene supplies and, where necessary, culturally appropriate clothing. Safe access should be ensured to all services in the camps, including when queuing in line for food and item distribution.*

- **Raise awareness on issues related to gender based violence and ways to safely self-report or ask for help**

*Confidential reporting mechanisms should be established to allow women at increased risk to safely report concerns or abuse. Furthermore, women must be adequately informed about and able to access these mechanisms. Obstacles to support services can have serious consequences for women who have experienced trauma and need medical or psychosocial care. Information and assistance should not be mediated exclusively through male family members, as this can limit women's access to support. The meaningful participation and engagement of female applicants should therefore be actively promoted.*

- **Ensure free and uncompromised access to emergency accommodation, psychosocial support and health care services**

*Ensure access to appropriate care, safe accommodation, and counselling for women at risk of violence or abuse, delivered by trained staff with gender and cultural sensitivity. Services should be more inclusive with regard to interpretation; this is the main reason most women cannot access services such as emergency accommodation and psychosocial empowerment.*

- **Ensure access to free legal aid**

*Victims of violence or abuse should have access to legal assistance and continuous support to enable the effective prosecution of perpetrators and to ensure protection throughout judicial and administrative proceedings.*



## Procedural safeguards

- **Increase provision of information to women and girls on their rights and the asylum procedure**  
*Women and girls may lack awareness of their rights, including the right to seek asylum independently, even when accompanied by a male relative. They may not recognise gender-related forms of persecution as legitimate grounds for an asylum claim, which can lead them to endure abuse under the false assumption that they are not entitled to protection in their own right. Providing clear, gender-sensitive information in a language they understand is therefore crucial to ensuring meaningful access to asylum procedures.*
- **Examine family members separately**  
*Women may be reluctant to disclose experiences of persecution to their husbands or family and may therefore withhold information that is directly relevant to their need for international protection. Women and girls may also face particular challenges in establishing the credibility of their claims when the feared persecution arises from domestic situations, such as domestic violence, or other forms of gender-based persecution, including persecution based on sexual orientation.*
- **Individual assessment to determine if interviews should be in person or remote**  
*Asylum interviews should be conducted in a safe and supportive environment that encourages open discussion, allows women to feel comfortable, and guarantees confidentiality. Survivors of traumatic experiences require access to specialised counselling and support to build trust and enable the disclosure of the full extent of the persecution they have suffered. These conditions cannot be adequately ensured through remote interviews. An individual assessment of the most appropriate interview modality should therefore be conducted prior to the interview.*
- **Gender sensitive and trauma-informed interview procedure**  
*Many women may be unable or unwilling to disclose the full extent of the persecution they have suffered or fear, often due to trauma, shame, or social stigma. The refugee status determination process must be conducted with a strong gender-sensitive and survivor-centred approach that recognises the specific situations and claims of women seeking asylum. Special care, trust-building measures, and access to appropriate counselling are therefore essential to help women overcome psychological and social barriers and to ensure they can safely and fully articulate their need for international protection.*
- **Ensure access to same sex officers and interpreters**  
*Women may be reluctant to disclose their experiences when interviews are conducted or interpreted by men, or they may lack confidence and experience in engaging with authority figures, which can affect both their behaviour and the way their claims are perceived. For this reason, specially trained female interviewers and interpreters should be made available, particularly in cases involving indications of sexual or gender-based violence.*

## Refugee status determination

- **Conduct an appropriate assessment of whether the persecution is related to gender**  
*Women's asylum claims must be examined with due recognition that gender itself may constitute a ground for past or feared persecution and that such persecution may take gender-specific forms. Accordingly, the refugee definition under Article 1A(2) of the 1951 Refugee Convention should be interpreted in a gender-sensitive manner when assessing asylum applications, in line with the obligations arising from CEDAW and the Istanbul Convention.*
- **Ensure that caseworkers use up-to-date information on the country of origin**  
*Ensure that comprehensive information is available on conditions in countries of origin, including a detailed analysis of the specific risks and challenges faced by women and girls. Caseworkers should carefully review country-of-origin information, with particular attention to the legal status and rights of women, prevailing*



*cultural and social norms and the consequences of violating them, the existence of harmful traditional practices, the prevalence and forms of violence against women, available protection mechanisms, penalties for perpetrators, and the risks women may face upon return to their country of origin after seeking asylum.*

- **Adapting interview techniques and follow-up questions in gender-related asylum claims**

*Interviewers should adapt their questioning to account for trauma, reluctance to discuss sensitive issues, educational background, and limited understanding of complex concepts. Interview questions must be framed in a way that allows applicants to disclose all relevant elements of their asylum claim, recognising that their experiences may not align with conventional legal concepts such as political activity or torture. Applicants may not associate gender-based harms—such as rape, sexual abuse, or female genital mutilation—with these categories, despite the seriousness of the persecution suffered or feared. Survivors of traumatic experiences may struggle to respond to questions, and their responses may be misinterpreted as a lack of credibility. Where inconsistencies arise, appropriate follow-up questions should be asked, and additional interviews conducted where necessary, to support fuller disclosure and a more accurate understanding of the applicant’s experiences.*

- **Avoid undue documentary burdens in gender-related asylum claims**

*Decision-making authorities must recognise that a woman’s inability to submit documentary evidence alone should not be considered detrimental to her credibility. Women frequently have limited access to documentation, and written proof of abuse is often unavailable. In such circumstances, decision-makers should apply the benefit of the doubt.*

- **Ensure that decision-making is bias-free and not based on presumptions of alternative ways to safety**

*A significant form of discrimination may consist in the State’s failure to guarantee protection against serious harm (such as domestic violence). This form of discriminatory treatment results in serious harm for which the perpetrator remains unpunished and may amount to persecution.*

## References

- IOM, [What makes migrants vulnerable to gender-based violence?](#)
- Inter-Agency Standing Committee, 2015, [Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action](#)
- AIDA, [Greece Asylum Report](#), last updated 26/09/2025
- Diotima and End FGM European Network, [Joint Shadow Report - Greece](#), to Grevio 2023
- EUAA, [Jurisprudence related to Gender-Based Violence against Women Analysis of Case Law from 2020-2024](#), February 2025
- EUAA, [Protecting women and girls in the asylum procedure](#), Fact sheet EUAA/IAS/2023/16, July 2023
- EUAA, [Protecting women and girls in the asylum procedure](#), Fact sheet EUAA/2024/24, June 2024
- EUAA, [Data Analysis of Asylum Applications by Sex and Age in 2024](#), Fact sheet EUAA/2025/35, August 2025
- EUAA, [Practical Guide on Membership of a Particular Social Group](#), Second edition, May 2025
- EUAA, [Jurisprudence Related to Gender-Based Violence Against Women](#), Analysis of Case Law from 2020-2024, February 2025
- UNHCR, [Guidelines on International Protection: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity](#) within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, 23 October 2012
- EUAA, [Guidance on Remote Interviews](#), April 2025
- EUAA, [The personal interview in the asylum procedure](#), Fact sheet EUAA/2024/25, June 2024
- EUAA, [Guidance on Remote Interviews](#), April 2025
- EUAA, [Practical Guide on Subsequent Applications](#), December 2021
- ECRE, [Information Note on Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection \(recast\)](#), 2014
- PICUM, [Guaranteeing justice for undocumented migrant women in the EU facing violence: Actions to end exclusion and ensure protection](#), 2025
- UNHCR, [Handbook for the Protection of Women and Girls](#), 2008
- UNHCR, [Ensuring Gender Sensitivity in the Context of Refugee Status Determination and Resettlement](#), 2005
- UNHCR, [Guidelines on International Protection No. 1: Gender-Related Persecution Within the Context of Article 1A\(2\) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees](#), 2002
- UNHCR, [Guidelines on International Protection No. 2: "Membership of a Particular Social Group" Within the Context of Article 1A\(2\) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees](#), 2002
- FENIX, [A GENDERED GAZE ON MIGRATION: Report on sexual and gender-based violence in the context of the Greek asylum policy on Lesbos](#), 2024



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